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**Service Director – Legal, Governance and
Commissioning**

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Wednesday 16 February 2022

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 24 February 2022**.

(A coach will depart the Town Hall, at 11:00 am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in Huddersfield Town Hall.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft", on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Strategic Planning Committee members are:-

Member

Councillor Steve Hall (Chair)
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Donna Bellamy
Councillor Mark Thompson
Councillor Andrew Pinnock
Councillor Charles Greaves

When a Strategic Planning Committee member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

B Armer
A Gregg
V Lees-Hamilton
R Smith
D Hall
J Taylor

Green

K Allison
S Lee-Richards

Independent

T Lyons

Labour

M Akhtar
E Firth
M Kaushik
J Ramsay
C Scott

Liberal Democrat

PA Davies
J Lawson
A Marchington
A Munro

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive any apologies for absence, or details of substitutions to Committee membership.

2: Minutes of the Previous Meeting

1 - 14

To approve the Minutes of the meeting of the Committee held on 27 January 2022.

3: Declaration of Interests and Lobbying

15 - 16

Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

5: Public Question Time

To receive any public questions.

In accordance with:

- Council Procedure Rule 11 (3), questions regarding the merits of applications (or other matters) currently before the Council for determination of which the Council is under a duty to act quasi judicially shall not be answered.
 - Council Procedure Rule 11 (5), the period for the asking and answering of public questions shall not exceed 15 minutes.
-

6: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

7: Site Visit - Planning Application No: 2021/94337

Erection of construction facility to facilitate the construction works for the section of the TRU between Huddersfield and Westtown (Dewsbury), provision of strategic construction compound including open storage, trackworks and overhead line equipment (OLE) assembly and associated welfare facilities, construction of a retaining wall, environmental mitigation measures (noise attenuation) and provision of temporary platform for use during works at Huddersfield Station with associated access, utilities/drainage works Operational railway land, Hillhouses Yard, Alder Street, Huddersfield.

(Estimate time of arrival at site 11:10 am).

Contact officer: RichardA Gilbert, Planning Services.

Ward(s) affected: Greenhead and Ashbrow

8: Planning Applications

17 - 18

The Planning Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Monday 21 February 2022.

To pre-register, please email governance.planning@kirklees.gov.uk or phone Richard Dunne or Sheila Dykes on 01484 221000 (Extension 74995 or 73896).

Please note that measures will be in place to adhere to COVID secure rules, including social distancing requirements. This will mean that places will be limited

Members of the public who are unable to attend in person will be able address the Committee virtually.

Please note that in accordance with the council's public speaking protocols at planning committee meetings verbal representations will be limited to three minutes.

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

9: Planning Application - Application No: 2018/92647 19 - 70

Hybrid Planning Application for mixed use development - retail/office and 229 residential units (Use Classes C3/ E(a) /B1a). Full Planning permission for the partial demolition of the former Kirklees College, erection of a food retail store and alterations in connection with conversion of grade ii* listed building to offices/apartments and creation of vehicular access from Portland Street, New North Road and Trinity Street. Outline application for erection of (two) buildings (residential apartments - C3 Use) (Listed Building within a Conservation Area) former Kirklees College, New North Road, Huddersfield.

Contact Planning officer: David Wordsworth, Planning Services

Ward(s) affected: Newsome

10: Planning Application - Application No: 2021/94337 71 - 98

Erection of construction facility to facilitate the construction works for the section of the TRU between Huddersfield and Westtown (Dewsbury), provision of strategic construction compound including open storage, trackworks and overhead line equipment (OLE) assembly and associated welfare facilities, construction of a retaining wall, environmental mitigation measures (noise attenuation) and provision of temporary platform for use during works at Huddersfield Station with associated access, utilities/drainage works Operational railway land, Hillhouses Yard, Alder Street, Huddersfield.

Contact Planning officer: RichardA Gilbert, Planning Services.

Ward(s) affected: Greenhead and Ashbrow

Planning Update

The update report on applications under consideration will be added to the web agenda prior to the meeting.

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 27th January 2022

Present: Councillor Steve Hall (Chair)
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Donna Bellamy
Councillor Mark Thompson
Councillor Andrew Pinnock
Councillor Charles Greaves

Observers: Councillor John Lawson
Councillor Kath Pinnock

1 Membership of the Committee

All members were present.

2 Minutes of the Previous Meeting

The minutes of the meeting held on 16 December 2021 were approved as a correct record.

3 Declaration of Interests and Lobbying

Councillor Greaves, Bellamy, Thompson, Sokhal, A Pinnock, Patterson and S Hall Declared that they had been lobbied on application 2021/92801.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Planning Applications

The Committee considered the following applications.

8 Planning Application - Application No: 2021/92801

The Committee gave consideration to Planning Application 2021/92801 Erection of 291 dwellings with associated works and access from Hunsworth Lane and Kilroyd Drive Land at, Merchant Fields Farm, off Hunsworth Lane, Cleckheaton.

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Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Mr Rankin (objector), Rachel Founders, Suzanne Mansfield, Jason Pritchard and Mark Beevers (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (3) the Committee received representations from Councillors John Lawson and Kath Pinnock (ward members).

RESOLVED –

Subject to the Secretary of State not calling in the application, delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

1. Complete the list of conditions including those contained within the considered report and planning update including:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

3. Prior to the commencement of development (including ground works) a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include pre-development road condition surveys (covering an area to be agreed beforehand with Local Planning Authority officers), a timetable of all works, and details of:

- any phasing of development;
- hours of works;
- point(s) of access for construction traffic (as stipulated by condition 4);
- construction vehicle sizes and routes;
- numbers and times of construction vehicle movements;
- locations of HGV waiting areas and details of their management;
- parking for construction workers;
- loading and unloading of plant and materials;
- storage of plant and materials;
- signage;
- measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- street sweeping;
- measures to control and monitor the emission of dust and dirt during construction;
- site waste management, including details of recycling/disposing of waste resulting from construction works;

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- mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- artificial lighting used in connection with all construction-related activities and security of the construction site;
- measures to minimise biodiversity impacts during construction;
- site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- engagement with local residents and occupants or their representatives; and
- engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Upon completion of the development, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority, and the approved remedial works shall be carried out following the completion of all construction works related to the development and prior to the occupation of no more than 200 dwellings of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.

4. Prior to the commencement of development (including ground works), a vehicular access into the site shall be created at Hunsworth Lane for use by construction traffic. This access shall be used by construction traffic for the duration of the construction phase, and no other access to or egress from the site for construction traffic shall be provided, enabled or used unless approved in writing by the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, and to accord with Policies LP21, LP24 and LP52 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity impacts are devised and agreed at an appropriate stage of the development process.

5. Prior to the first use of the approved vehicular access point at Hunsworth Lane (including use by construction traffic with the exception of construction traffic associated with the formation of the construction access point), vegetation and boundary treatments shall be set back to the rear of the proposed visibility splays as shown on approved plan ref: [to be inserted]. The visibility splays shall be cleared and kept clear of all obstructions to visibility above 0.6m measured from the ground thereafter.

Reason: To ensure adequate intervisibility is provided and maintained in the interests of pedestrian and highway safety and to accord with Policy LP21 of the

Kirklees Local Plan. This pre-commencement condition is necessary to ensure that adequate visibility is provided to enable works vehicles to enter and exit the site.

6. Prior to the commencement of development (including ground works) a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- Detail phasing of the development and phasing of temporary drainage provision;
- Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and details of how flooding of adjacent land is prevented; and
- Include methods of preventing contamination of watercourses once the new drainage has been installed.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, and to accord with Policy LP27 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

7. Where implementation of the development hereby approved is to be phased, and/or any of the dwellings hereby approved are to become occupied prior to the completion of the development, details of temporary arrangements for the storage and collection of wastes from those residential units, and details of temporary arrangements for the management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of those residential units. The temporary arrangements so approved shall be implemented prior to the first occupation of those residential units and shall be so retained thereafter for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

8. Prior to the commencement of development (excluding ground works, establishing the site compound, clearing the site (excluding trees and vegetation that is subject to statutory protection and/or is to be retained as part of the development hereby approved) and undertaking initial enabling works) a scheme detailing the proposed internal adoptable roads shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of swept paths for a 11.85m refuse vehicle, full sections, drainage details, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of this work. No part of the development shall be brought into use until the internal adoptable roads for that part of the development have been completed in accordance with the approved plans and details or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of internal adoptable roads are agreed at an appropriate stage of the development process.

9. Prior to the commencement of development (excluding ground works, establishing the site compound, clearing the site (excluding trees and vegetation that is subject to statutory protection and/or is to be retained as part of the development hereby approved) and undertaking initial enabling works) full details of the permanent site entrance at Hunsworth Lane shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of sight lines, road markings, construction specifications, details of surface finishes and any signage, an independent safety audit covering all aspects of this work, and details of the delivery of the scheme under an appropriate Section 278 approval. Unless otherwise agreed in writing by the Local Planning Authority, no more than 50 dwellings of the development hereby approved shall be occupied prior to the implementation of the approved scheme for use by residential traffic.

Reason: To ensure suitable vehicular access is provided for residents of the development hereby approved, to ensure existing residential streets are not subjected to unacceptable increases in traffic, in the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of the Hunsworth Lane entrance are agreed, and that the entrance is provided, at an appropriate stage of the development process.

10. Prior to the development commencing on the superstructure of any dwelling hereby approved, details of pedestrian connections between the site and adjacent land (namely, Links Avenue and Mazebrook Avenue) shall be submitted to and approved in writing by the Local Planning Authority. The details shall relate to levels, surface materials, construction methods, any handrails, splays to ensure adequate intervisibility for pedestrians and other road users, and measures to ensure opportunities for crime and anti-social behaviour are limited. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

Reason: In the interests of ensuring usable, convenient, safer and attractive pedestrian routes are provided, to contribute toward the creation of a walkable and well-connected neighbourhood, to encourage the use of sustainable modes of transport, to mitigate the highway and air quality impacts of the development, and in the interests of minimising the risk of crime and anti-social behaviour in accordance with policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

11. Prior to the first occupation of any specified dwelling hereby approved, the approved vehicle parking area(s) for that dwelling shall be surfaced and drained in accordance with "Guidance on the permeable surfacing of front gardens (parking areas)", 13/05/2009 (ISBN 9781409804864) as amended or superseded, and shall thereafter be retained throughout the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP20 and LP21 of the Kirklees Local Plan.

12. Where highway retaining structures are necessary, prior to development commencing on the superstructure of any dwelling hereby approved, the design and construction details of any such structures (and any temporary highway retaining

structures that may be deemed necessary) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained as such thereafter.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

13. Prior to the first occupation of any specified dwelling hereby approved, details of secure, covered and conveniently-located cycle parking for use by residents of that dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved and the cycle parking shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and encouraging the use of sustainable transport modes, and to accord with policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan.

14. Prior to development commencing on the superstructure of any dwelling hereby approved, a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space; and
- One Standard Electric Vehicle Charging Point (of a minimum output of 16A/3.5kW) for every 10 unallocated residential parking spaces.

Dwellings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. The charging points installed shall be retained thereafter.

Reason: To ensure residents of the development are encouraged to use lower carbon and more sustainable forms of transport and to mitigate the air quality impacts of the development in accordance with policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

15. Prior to the commencement of superstructure works, details of storage and access for collection of wastes from the residential units hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that waste collection points shall not obstruct access to private driveways, and shall include details of management measures (including measures to control odour and vermin) and measures to discourage flytipping. The works and arrangements comprising the approved details shall be implemented prior to first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

16. Prior to the commencement of development (including ground works) a detailed design of surface water attenuation shall be submitted to and approved in writing by the Local Planning Authority. The design shall include flow control devices restricting the rate of surface water discharge from the site to a maximum of 17.5l/s to Nann Hall Beck and 3.5l/s to Yorkshire Water infrastructure leading to the River Spen. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 100 year storm events with a 30% allowance for climate change. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the

flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter until such a time as it is adopted by the statutory undertaker.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

17. Prior to the commencement of development (including ground works) a scheme detailing the management of residual risk of blockage scenarios after swales / ditches within the site have been constructed (for example, through the use of walling and landscape features and safe flood routing) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include a detailed management plan (itinerary, schedule and access) for the swale / ditch to the northern boundary of the site. Following the completion of works comprising the approved scheme, the approved maintenance and management scheme shall be implemented thereafter.

Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

18. Notwithstanding what is shown on the drawings hereby approved, no building or other obstruction including landscape features shall be located over or within an 8m wide protected strip crossing the site (5m and 3m either side of the centre line of the western section, and 3m and 5m either side of the centre line of the eastern section) along the public 800mm diameter syphon sewer located to the south of the site. No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure within the site boundary have been implemented in full accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The details shall include but shall not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of any sewers crossing the site, the developer shall submit evidence in writing to the Local Planning Authority that the diversion or closure has

been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interests of ensuring water infrastructure is protected and can be inspected, maintained, adjusted, repaired and altered by the statutory undertaker without hindrance.

19. Prior to the commencement of development (including ground works) a further Phase II Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall include ground gas monitoring data.

Reason: To ensure unacceptable risks to human health and the environment are identified, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that contamination is identified at an appropriate stage of the development process.

20. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 19, prior to the commencement of development (including ground works, other than those required to inform a site investigation report) a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

21. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 20. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered is identified or encountered on site, all works on site (other than site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

22. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in

accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

23. Prior to the commencement of development (including ground works but excluding works related to land stability remediation) remedial treatment works to address land instability arising from shallow coal mining legacy and recorded mine shafts 419426-001, 419426-002 and 419426-005 shall be carried out in full. Following completion of the remediation works referred to in this condition and prior to the first occupation of any specified dwelling hereby approved, a Coal Legacy Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.

Reason: To ensure the site is made stable and to minimise risk associated with the area's mining legacy in accordance with Policy LP53 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that remedial measures related to the site's coal mining legacy are carried out at an appropriate stage of the development process.

24. Prior to any part of the development hereby approved being brought into first use, a further Air Quality Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall:

- Determine the impact that the development will have on air quality (taking into consideration any cumulative impact from other local developments);
- Include a calculation of the monetary damages from the development; and
- Include a fully-costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages should be reflected in money spent on the low emission mitigation measures. The approved low emission mitigation measures shall be implemented before the development is brought into first use and shall be retained thereafter.

Reason: In the interests of amenity and to mitigate the air quality impacts of the development in accordance with policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

25. Prior to the commencement of development (including ground works) a further Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall specify the measures to be taken to protect the development hereby approved from noise from all significant noise sources (including road traffic) that are likely to affect the development. The assessment shall:

- Determine the existing noise climate;
- Predict the noise climate in living rooms and gardens (daytime), bedrooms (night-time), and other habitable rooms of the development; and

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- Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new dwellings (including ventilation if required).

Prior to the first occupation of any specified dwelling hereby approved all works specified for that dwellings in the approved Noise Impact Assessment shall be carried out in full and such works shall thereafter be retained.

Reason: In the interests of amenity and to accord with Policies LP24 and LP52 of the Kirklees Local Plan.

26. Prior to the commencement of superstructure works, details of all external materials to be used shall be submitted to the Local Planning Authority, and samples shall be left on site for the inspection and approval in writing of the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

27. Prior to the first occupation of any dwelling with external lighting (other than street lighting on streets to be adopted), details of the external lighting for that dwelling shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a scheme detailing street lighting to all private (unadopted) roads/drives/courtyards and shall not include low-level or bollard street lighting. The external lighting shall be designed to avoid harm to residential amenity, increased highway safety risk, risk of creating opportunities for crime and anti-social behaviour, and disturbance to wildlife. All external lighting shall be installed in accordance with the details (including specifications and locations) so approved, and the external lighting shall be maintained thereafter in accordance with the approved details. No dwellings accessed from a private (unadopted) road/drive/courtyard shall be brought into use until the street lighting so approved for that road/drive/courtyard has been installed and brought into use, and the street lighting shall be retained as such thereafter. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety, to prevent significant ecological harm, to safeguard habitat, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP30 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

28. Other than where indicated on the drawings hereby approved, and other than in relation to elevations not facing a highway, no cables, plumbing, foul pipes, vents, burglar alarm boxes, and/or CCTV cameras or related equipment and installations shall be located or fixed to any external elevation(s) of the development hereby approved. Should any such equipment or installations be considered necessary, details of these shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the details so approved.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

29. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Details of existing and proposed levels, and regrading;

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- Planting plans, including additional tree planting notwithstanding what is shown in the drawings hereby approved;
- Details of tree pit sizes and soils;
- Species schedules;
- Details of initial aftercare and long-term maintenance;
- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first five years from completion;
- Details (including samples, if requested), of paving and other hard surface materials;
- Details of all on-site open spaces (including details of their purpose(s) and management) and of any areas for designated, informal, incidental and/or doorstep play;
- Details of covenants (or other suitable arrangements) regarding street tree retention, management and maintenance;
- Details of how soft landscaping has been designed to prevent and deter crime and anti-social behaviour; and
- Notwithstanding what is shown on the drawings hereby approved, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions, corresponding with measures relating to flood routing and providing for the movement of hedgehogs.

No part of the development hereby approved shall be occupied until all hard and soft landscaping has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: In the interests of local ecological value, visual amenity and highways safety, to ensure high quality open spaces are provided, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP27, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan, and chapters 8, 12 and 15 of the National Planning Policy Framework.

30. Prior to the commencement of development (including ground works), an Arboricultural Method Statement and a Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the documents so approved.

Reason: To protect trees in the interests of visual amenity and biodiversity and to accord with Policy LP33 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that details of tree protection measures are agreed at an appropriate stage of the development process.

31. The translocation of the site's hedgerows shall be carried out in strict accordance with the Hedgerow Translocation Method Statement (FPCR, 08/09/2021) and no change therefrom shall take place without the prior written consent of the Local Planning Authority

Reason: To ensure the hedgerows are retained on-site, to ensure their viability and survival is not jeopardised and to accord with Policies LP30 and LP33 of the Kirklees Local Plan and the Hedgerows Regulations 1997.

32. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority in response to evidence to be submitted to the Local Planning Authority demonstrating that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason: To prevent significant ecological harm to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

33. Prior to the commencement of superstructure works, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The BEMP shall ensure that no less than a 10% biodiversity net gain (i.e., 10% above the site's pre-development biodiversity value based on its habitat units baseline) is achieved post-development, and shall include the following:

- Description and evaluation of features to be managed and enhanced;
- Details of the extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- Details corresponding with landscaping details to be submitted pursuant to condition 31;
- Details of ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management actions for achieving the Aims and Objectives;
- An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP; and
- Details of an ongoing monitoring programme and remedial measures.

The BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years. The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully-functioning biodiversity objectives of the originally-approved BEMP. The development shall be implemented in accordance with the approved BEMP and all measures and features shall be retained in that manner thereafter.

Reason: To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.

34. Prior to the commencement of development (including ground works), a Biodiversity Gain Plan (BGP) shall be submitted to and approved in writing by the Local Planning Authority. The BGP shall demonstrate a measurable biodiversity net gain and shall include:

- Details of the measures taken or to be taken to minimise the adverse effect

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of the development on the biodiversity of the on-site habitat and any other habitat;

- The pre-development biodiversity value of the onsite habitat, measured using the Biodiversity Metric 3.0 (or latest version, if available);
- The post-development biodiversity value of the on-site habitat, measured using the Biodiversity Metric 3.0 (or latest version, if available);
- Details of any off-site habitat enhancement required to achieve a biodiversity net gain, including pre-development and target biodiversity value.

The BGP shall inform the BEMP referred to under condition 35.

Reason: To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain (based on biodiversity metric calculations which require data relating to the site's pre-development condition) are agreed at an appropriate stage of the development process.

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, D and E of Part 1 and Class A of Part 2 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

2. Secure a Section 106 agreement to cover the following matters:

- 1) Affordable housing – 58 affordable dwellings (55% affordable/social rent, 45% intermediate) to be provided in perpetuity.
- 2) Open space – Off-site contribution of £424,546 to address shortfalls in specific open space typologies (with potential for significant reduction subject to the detailed design of the on-site provision, particularly with respect to the “parks and recreation” and “children and young people” open space typologies).
- 3) On-site open space inspection fee – £1,000.
- 4) Education – £1,176,189 contribution to be spent on upon priority admission area schools within the geographical vicinity of the site (vicinity to be determined).
- 5) Off-site highway works – £65,000 contribution (£50,000 towards new signal equipment at Whitehall Road / Hunsworth Lane junction, and £15,000 towards Bluetooth journey time monitoring equipment at Bradford Road / Hunsworth Lane / Whitechapel Road junction).
- 6) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £145,000 contribution towards sustainable travel measures, implementation of a Travel Plan, £15,000 towards Travel Plan monitoring, and a £10,000 contribution towards bus stop improvements.
- 7) Air quality mitigation – Contribution of circa £162,000.
- 8) Biodiversity – Contribution of circa £120,000 towards off-site measures to achieve biodiversity net gain.
- 9) Management and maintenance – The establishment of a management company for the management and maintenance of any land not within private curtilages or

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adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

3. Pursuant to (2) above, In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution (or of the date the Secretary of State for Levelling Up, Housing and Communities confirms that the application would not be called in) then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.
4. It was noted that the Committee requested that the application must be returned to the Committee should there be any changes to the S106 agreement or conditions as detailed in the considered committee report and planning update

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Greaves, Pattison, Sokhal and S Hall (4 votes)

Against: Councillors: Bellamy and A Pinnock (2 votes)

Abstained: Councillor Thompson

9 **Planning Application - Application No: 2021/91015**

The Committee gave consideration to Planning Application 2021/91015: Change of use of grazing land to dog exercise area at Blue Hills Farm, Whitehall Road West, Birkenshaw.

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report including:

1. Standard timeframe for commencement of development - 3 years.
2. In accordance with the approved plans.
3. Operations between 07:00-19:00 Monday to Sunday.
4. A maximum of three dogs using the exercise park at any one time.
5. No artificial lighting.
6. Reporting of unexpected contaminated land

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Bellamy, Greaves, Pattison, A Pinnock, Sokhal, Thompson and S Hall (7 votes)

Against: (0 votes).

KIRKLEES COUNCIL			
DECLARATION OF INTERESTS AND LOBBYING			
Strategic Planning Committee			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

In respect of the consideration of all the planning applications on this Agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 24-Feb-2022

Subject: Planning Application 2018/92647 Hybrid Planning Application for mixed use development - retail/office and 229 residential units (Use Classes C3/ E(a) /B1a). Full Planning permission for the partial demolition of the former Kirklees College, erection of a food retail store and alterations in connection with conversion of grade ii* listed building to offices/apartments and creation of vehicular access from Portland Street, New North Road and Trinity Street. Outline application for erection of (two) buildings (residential apartments - C3 Use) (Listed Building within a Conservation Area) former Kirklees College, New North Road, Huddersfield, HD1 5NN

APPLICANT

Trinity One LLP

DATE VALID

15-Aug-2018

TARGET DATE

14-Nov-2018

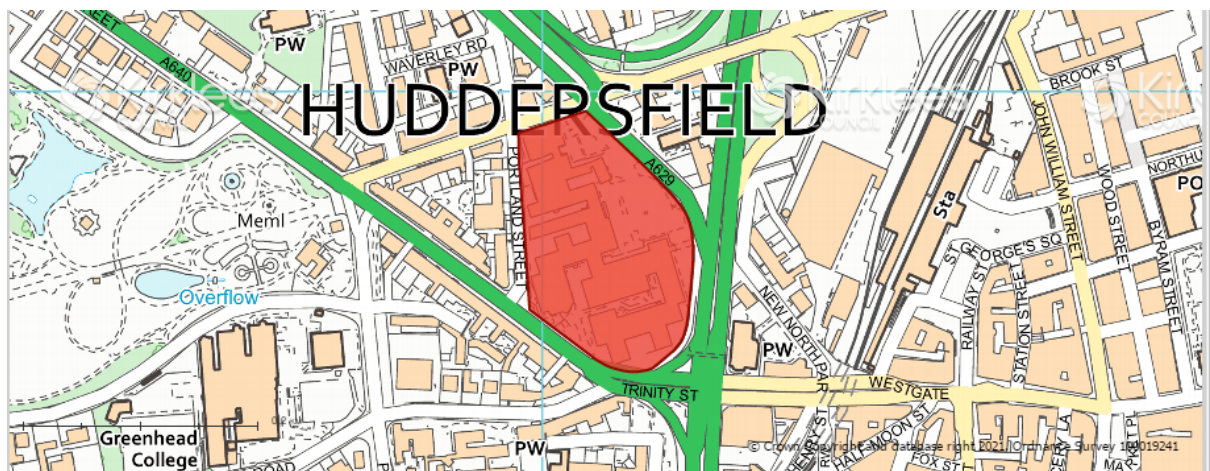
EXTENSION EXPIRY DATE

27-Feb-2021

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Newsome

Ward Councillors consulted: Yes (referred to in the report)

Public or private: Public

RECOMMENDATION:

1) Refuse Planning Permission for the following reason:

In the absence of a phasing plan that secures the conversion of the listed buildings (Heritage buildings 1,2 & 3 as shown on the masterplan) to an advanced stage the development fails to provide sufficient public benefits to outweigh the less than substantial harm caused by the scheme. The inability to secure the re-use of the Grade II* Listed Buildings would fail to comply with Policies LP35 of the Kirklees Local Plan as well as Paragraph s200 202 and Chapters 2, 4, 7 and 16 of the National Planning Policy Framework.

2). Confirmation that officers will issue an Urgent Works Notice (UWN) as and when required to preserve un-occupied listed buildings (Buildings 1,2, and 3 on the masterplan) under Section 54 of the Planning (listed Buildings and Conservation Areas) Act 1990, to require works listed a)-e) in paragraph 10.34 of this report to be completed and issued on the landowner.

1.0 INTRODUCTION:

1.1 This is a hybrid planning application for a mixed-use residential and retail development, incorporating 229 apartments at Castlegate, on the former Kirklees College site situated to the North of Huddersfield Town Centre. This major application is brought to Strategic Planning Committee for determination given the size of the site and the quantum of development proposed, specifically due to the number of residential units and the amount of retail floorspace proposed.

1.2 The application was first presented to the Strategic Planning Committee on 24th February 2021 with a recommendation to grant planning permission. Committee resolved to follow the recommendation to grant consent and subject to the following:

- I. A review and redesign of the food retail store
- II. the imposition of a condition to require natural stone on all elevations of the food store building,

1.3 Following the committee resolution, the applicants worked with officers of the council to review the design of the retail food-store on the southern part of the site. The amendments to the food-store (building 6 on the masterplan) are detailed in paragraphs 3.6

1.4 The applicants advised that whilst the proposed scheme had not changed in terms of quantum and uses, however, the conversion of the heritage buildings (buildings 1,2 and 3 on the Masterplan) would not be secured within the S106 phasing plan. Therefore, works to the heritage buildings controlled by the

granting of planning permission would be limited to the programme of urgent works to the heritage buildings. The draft S106 was unable to be completed and the application was returned to Strategic planning committee on 18th November 2021.

1.5 The Strategic Committee resolved to defer the application to allow officers to negotiate further with the applicants in respect of:

(i) securing works to the Grade II* listed buildings to make them weatherproof and watertight, in order to ensure that they are preserved, at an early stage of development.

(ii) achieving certainty in respect of the restoration and conversion of the listed buildings in the future.

1.6 The applicants' held meetings with officers and having discussed the requirements of the committee resolution of 18th November, have proposed the following amendments to the phasing of the development.

1.7 Members will recall that the programme of urgent works fell into 2 parts summarised below:

Part 1 involved:

- securing a site compound around the whole of the Heritage Buildings (buildings 1,2&3),
- boarding up windows to prevent access,
- ensuring their ventilation and
- clear the downpipes and gutters of Building 1.

Part 2 involved

- making the roof of Building 1, Building 2 and Building 3 weathertight and waterproof through temporary repairs and works to
- clear the downpipes and gutters of Building 2 and Building 3 of debris and vegetation.

1.8 Stage 1 Urgent Repair Works was not to exceed the sum of £100,000.00 and Stage 2 Urgent Repair Works was not to exceed the sum of £301,000.00.

1.9 The applicant has confirmed that the completion of the programme (stages 1 & 2) of Urgent Works to the listed buildings will be brought forward from 18 months to within 9 months from date of approval of both stages of urgent works (details are included in paragraphs 10.24-10.28) and is reflected within the draft Section 106 Agreement appended at the end of the report.

1.10 During discussions the applicants did suggest in correspondence to officers' that the Overage clause (the process and trigger for reappraising viability of the development) would be removed from the applicants' scheme, however the applicants have now confirmed that the S.106 draft includes, the agreement they made to pay overage to the local authority. Details are provided in paragraphs 10.125 and in this regard an email from P. Fox dated 10.02.22 states as follows: *We previously agreed to, and the S.106 draft includes the agreement we made to pay Overage to the local authority over and above the initial £400,000 contribution and capped at a further £301,000 in the event that the scheme made greater than a 15% profit on cost (on a 50/50 basis). This is the Overage requested previously.*

- 1.11 The applicants' comments in their supporting letter dated 27th October 2021 and diagram are included in the Appendix to this report as they were at the November 18th Committee, and their content may be considered to be material considerations in the determination of this scheme. The appraisal section therefore addresses the applicants' comments and advises members on these issues. However, the weight to apply to these matters is ultimately for the Strategic Committee as the decision maker.
- 1.12 In considering the planning merits of the scheme and any material planning considerations the committee are advised to be mindful of the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 1.13 The majority of this report remains the same as was presented to strategic Committee in November 2021, however, the following sections have been updated:
- Phasing of the development (paragraphs 10.126-10.135)
 - Re-use of listed building (paragraph 10.24 - 10.27)
 - Overage (paragraph 10.125)
 - Conclusion (paragraphs 11.3- 11.5)
- 1.14 Officers are of the opinion that the changes since the committee in Nov 2021 do not improve the public benefits in any demonstrable way from that previously set out in the November 2021 report. The 9-month time frame the applicants have offered to undertake the urgent works is not a significant measurable benefit from when considering that the applicant is required to look after their own listed building without the need for incentive from the grant of planning permission, and should the application be refused an urgent works notice would be served to protect the listed buildings anyway.
- 1.15 If members consider that sufficient public benefits would still be delivered by this scheme and resolve to grant permission, a draft S106 agreement and draft conditions that would be attached to the planning permission is appended at the rear of the report. Members should also be aware that officers have had positive discussions with Historic England regarding the possibility of the Urgent Works to the heritage buildings being funded by Historic England if planning permission is refused and if the owner should not undertake the requirements of the Urgent Works Notice (UWN). Historic England funding is a possibility if set criteria is met as one option to repair and preserve the Grade 2* former infirmary building and its wings.
- 1.16 Members should be mindful that there are no obligations in the S106 to bring forward Reserved Matters on the Outline elements of the site or to undertake any works beyond the scope of the urgent works to the retained listed building. Once demolition takes place and the urgent works have been completed the site does not have any further planning requirements for any construction works to take place. Overall, this is a disappointing outcome for this application which should result in the reuse of a brownfield site and protect and reuse an important listed building at the expense of demolition of a number of listed

buildings. Therefore, in officer's opinion the public benefits do not justify the demolition of listed buildings proposed in this application. The recommendation is therefore for the committee to refuse planning permission for the reason given in (1) and confirm support for officer action to serve an Urgent Works Notice upon the applicant in (2) of the recommendation.

2.0 SITE AND SURROUNDINGS

2.1 The site is located adjacent to the west of Huddersfield Town Centre ring road (Castlegate A62). The site is elliptical in shape, extending to approximately 2.46 hectares (6.09 acres). It is bounded on all sides by the extensive road networks comprising Fitzwilliam Street, Portland Street, New North Road and Trinity Street. The site comprises the former Kirklees College Campus and includes a range of buildings that were built as tower blocks in the 1970s. Within the centre of the site is the Grade II* listed former Huddersfield Infirmary Building, the Grade II Listed King Edward VII Statue and associated car parking space. The site is a Mixed-Use Allocation within the Kirklees Local Plan under ref MXS4 for housing, retail and/or leisure beyond that already permitted under planning permission 2015/93827 for the erection of a food retail store on the southern part of the site.

2.2 The site has 3 distinct character zones as identified within the applicants Design & Access Statement (dated 31/07/2020):

1. Upper site– The 1933 infirmary extension and modern corner building.
2. Historic Core – The listed original infirmary building and statue of King Edward VII.
3. College Campus– 1970s medium rise town blocks.

The wider context of the site can be summarised as mixed commercial uses in a predominantly residential area. The site is within the town centre boundary as shown in the Local Plan, which this site extends to the east. It is primarily residential to the south and north and Greenhead Park lies to the west, which provides a green island of open space for leisure and recreation purposes.

2.3 It is very accessible to Huddersfield Train Station situated within walking distance from the site (approximately 350m to the east). Huddersfield Bus Station is a comparable distance away to the southeast, both of which are accessible via the existing subway crossing the A62. The A640 and A629 both head northwest to junctions 23 and 24 respectively of the M62.

2.4 The northern part of site is within the Edgerton Conservation Area.

2.5 From the site existing views are available to the surrounding hill lines. In particular, key views exist of Castle Hill to the south and Cowcliffe Ridge to the north. The applicants state that the proposal has been informed by the 2016 Castle Hills Setting Study, in particular respecting the views of importance. Although officers accept that the layout has other key influences and that its relevance is diminished through distance.

2.6 Kirklees College vacated the site in 2013 and relocated to new purpose-built accommodation. The site has since been marketed for redevelopment, during which time the range of buildings have declined considerably and have been subject to vandalism and decay which has a negative impact in terms of visual degradation and the image of Huddersfield when entering the town.

3.0 PROPOSAL:

3.1 This is a hybrid planning application comprising the following:

- A full application for a retail food store on the southern part of the site (Building 6 on the masterplan) and the conversion of the principal listed building and its wings in the central historical core (Buildings 1,2 & 3 of the masterplan) to 32 residential units and office use.
- An outline permission for the majority of the proposed residential development on the northern or upper part of the site. For this part of the site, only the matters of access and scale are sought for approval. Matters of appearance, layout and landscaping would be applied for at reserved matters stage. The number of units proposed within the new residential blocks total 197 apartments of which 32 units would be within the conversion of the wings of the principle listed building.

As part of negotiations with the applicant team, the massing and height of the residential blocks was reduced from a size that would accommodate 207 to accommodate a minimum of 197 units, reducing the total numbers on the site from 239 to 229 apartments. As part of the outline application a parameter plans to fix the height and therefore the massing of the blocks has been included in the application.

3.2 When the application was received on 13th August 2018, the proposal consisted of the following:

- Residential Dwellings – 187 - 14270.9 sqm
- Use class A1 Retail and Shops - 2823.9 sqm
- Use class B1 Offices - 4139.3 sqm
- Use class C1 (Hotel) - 102 bedrooms 3759.7 sqm

3.3 However, crucially the 2 existing wings that formed part of the principle listed building on site were proposed to be demolished. This was not considered to be an appropriate design solution in heritage impact terms. Through negotiations and discussions with Council officers, Historic England, and several variations of the development form, aimed at balancing viability and the impacts upon heritage assets, the applicants arrived at the current scheme.

3.4 The quantum of development now proposed consists of the following elements:

- Residential Dwellings - 229 (Use Class C3) 13690.1 sqm (Comprising 197 new build units & 32 from the converted wings of the listed building)
- Use class B1a Offices – (Use Class B1a) 1001.9 sqm
- Food Retail (Use Class E(a)) - 1997.9 sqm

3.5 The scale and form of the proposal would be 4 and 5 storeys (above ground) for the residential apartments on the northern part of the site (Buildings 4 and 5 the illustrative masterplan) and just under 7m in height building on the southern part of the site that would contain (Building 6 on the illustrative masterplan) the retail provision for the overall development. A single storey discount food retailer is proposed, and the applicants have confirmed this is intended for the Lidl retail operator. The site layout on this part of the site is in general conformity with the previously approved layout in 2016 (2015/62/93827/W), facing west towards the main access to Trinity Street.

3.6 Since the application was presented to Strategic Planning Committee on 24th February 2021, the applicant team has worked with officers to review the design of the retail food-store on the southern part of the site. The amendments to the food-store (Building 6 on the masterplan) agreed by officers and applicant team are as follows:

- Cladding of the building supermarket in natural stone to all 4 elevations (conditions will require sample panels).
- Detailing in all 4 elevations to reflect the fenestration pattern of listed buildings 2 and 3, with recessed stone panels within the piers.
- Crown roof added and to be clad in blue slates. Should plant be required it can sit behind the roof;
- Redesign of the entrance canopy to enhance buildings individuality and character- recommended introduction of a stone pillar portico.
- Increased width of pillars.
- It is noted that not all Lidl -stores have adverts (other than the logo on the entrance) and it is preferable if this store would do the same as adverts can detract rather than enhance appearance.
- Enhancement of Landscaping /Tree planting scheme across the parcel of the site, particularly in front of the southern wing of the heritage buildings (Building 2) and along the vehicular entrance to provide boulevard entrance/ vista and embankments to the ring road.

3.7 The applicants submitted revised elevations plan and revised landscaping plans (Reference: (DR-A-8101-S3-P7 & R-2377-1C landscape) are considered to be acceptable by officers. However, the committee is the relevant decision maker and can consider the amended plans described.

Listed Building Consent

3.8 Listed Building Consent (2018/92687) is also sought for the alterations of the Grade II* listed building and the demolition of other curtilage listed buildings (within a Conservation Area). These matters are assessed within the Heritage part of the report.

3.9 If members resolve to grant approval for the planning application, officers would then grant the listed building application which, under the scheme of delegation, does not require committee authorisation.

Access

3.10 In terms of the full planning application part of the site, vehicular access is proposed off Portland Street via four access points.

- The first would serve the retail development of the proposed food store (building 6 of Masterplan) for customer parking.

- The second access would be for servicing of the retail store only and provides a direct route to the rear of the retail store for delivery vehicles.
- The third access would serve the rear entrance and wings of the primary listed building (buildings 1 2& 3) and the rear of the Primary listed building. In this area a small amount of parking is proposed.
- The fourth vehicular access would serve the residential development to the north of the site that is in outline form and also the parking area in front of the listed building (building 1).

3.11 The existing vehicular access from the East on New North Road would be closed, details of which are recommended to be secured by condition.

Demolition

3.12 The applicants propose to demolish all of the existing buildings on site other than the former Infirmary buildings and its wings (Buildings 1, 2 & 3 as shown on the Masterplan). A demolition plan is included with the revised submission received in August 2020.

3.13 The hybrid application has been supplemented by the following documents:

- Planning and Retail Statement.
- Design and Access Statement.
- Phase 1 Desktop & Geo Environmental Assessment.
- Flood Risk, Foul and Drainage Assessment.
- Transport Assessment
- Framework Travel Plan.
- Ecological Assessment.
- Bat survey
- Heritage Assessment.
- Noise and Vibration Assessment.
- Arboricultural Assessment.
- Air Quality Impact Assessment; and
- Coal Mining Risk Assessment

3.14 An Environmental Impact Assessment (EIA) screening opinion request was submitted, and a screening opinion processed when the pre-application submission was received. This scheme involved the high-rise residential block above the food retail store and involved the demolition of the two wings of the listed buildings. The impacts of the proposal were significantly greater than the revised scheme now under consideration. The opinion concluded that the development is not EIA development.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 The following applications relate to this site:

2015/93827 - The southern part of the site full planning permission for demolition of existing buildings a food retail unit (Use Class A1) and associated access and landscaping. Council records demonstrate that the attached conditions were not discharged and therefore this permission has expired.

- 4.2 2018/92687 - Listed Building Consent accompanying this planning application.

2017/20041 - Pre-application. It should be noted that the scheme at pre-application stage was significantly different due to the inclusion of a building of 11 storeys in height, which incorporated the retail food store at ground level and primarily residential units above, on the southern element of the site.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 2017/20041 - Pre-application submission advice was received in 2017. The scheme has been the subject of formal advice was provided in a pre-application submission.

- 5.2 The current application was received in 2018. The scheme involved the demolition of the two wings of the primary Grade II* Listed Building and the construction of an 11-storey block comprising retail at ground floor and residential units above. Historic England and heritage consultees objected to the demolition of the wings and had concerns with the scale of the building on the southern part of the site. Negotiations resulted in a revised scheme being submitted in August 2020.

- 5.3 Since the planning application was presented to planning committee on 24th February 2021 extensive negotiations have taken place between the applicant and officers regarding the phasing of the development and content of the Section 106 agreement. These discussions focussed upon the content and timing of the Programme of Urgent Works to the heritage buildings and the mechanism for securing their conversion. Negotiations reached draft S106 Agreement stage but have been unable to reach full agreement. The design of the food-store proposed on the southern part of the site (building 6 on the masterplan) has subsequently been revised to a stage that the heritage and planning officers are satisfied with.

- 5.4 Since the application was presented to Strategic Committee on 18th November the applicants' met with officers and have held discussions on the requirements of the committee resolution and have proposed an amendment to the phasing plan and the completion of the 2nd stage of the urgent works from 18 months to 9 months from the commencement of development.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

- 6.2 The application site is allocated for a mixed-use site: Land North of Trinity Street, Huddersfield (Site Ref: MXS4) in the Kirklees Local Plan. The allocation defines a mixed use - housing, employment, and retail (additional retail and/or leisure beyond that already permitted (under application 2015/93827 for the erection of a food retail store) would be subject to policy LP13 of the KLP). It gives a gross and net site area of 2.44 Ha with an indicative housing capacity of 45 dwellings and an indicative employment area of 2103 sqm. It lists the following constraints:

- Air quality issues
- Potentially contaminated land
- Odour source near site
- Noise source near site
- Part/all of the site is within a High-Risk Coal Referral Area
- Grade II* listed former Huddersfield Infirmary building is within the site
- Grade II listed statue within the site
- Part of the site is within a Conservation Area

6.3 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development
 LP2 – Place shaping
 LP3 – Location of new development
 LP4 – Providing infrastructure
 LP5 – Masterplanning sites
 LP7 – Efficient and effective use of land and buildings
 LP9 – Supporting skilled and flexible communities and workforce
 LP11 – Housing mix and affordable housing
 LP20 – Sustainable travel
 LP21 – Highways and access
 LP22 – Parking
 LP23 – Core walking and cycling network
 LP24 – Design
 LP26 – Renewable and low carbon energy
 LP27 – Flood risk
 LP28 – Drainage
 LP30 – Biodiversity and geodiversity
 LP32 – Landscape
 LP33 – Trees
 LP34 – Conserving and enhancing the water environment
 LP35 – Historic Environment
 LP38 – Minerals safeguarding
 LP47 – Healthy, active, and safe lifestyles
 LP49 – Educational and health care needs
 LP67 - Mixed Use Allocations

Supplementary Planning Guidance / Documents:

6.4 Relevant guidance and documents:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highway Design Guide (2019)
- Waste Management Design Guide for New Developments (2020)

- Green Street Principles (2017)
- Kirklees Viability Guidance Note (2020)
- Huddersfield Blueprint (2019)
- Planning Applications Climate Change Guidance (2021)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

Climate change:

- 6.5 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.6 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

National Planning Policy and Guidance (National Planning Policy Framework):

- 6.7 The National Planning Policy Framework (2021) seeks to secure positive growth in a way that effectively balances economic, environmental, and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

Chapter 2 - Achieving sustainable development
 Chapter 4 – Decision-making
 Chapter 5 – Delivering a sufficient supply of homes
 Chapter 8 – Promoting healthy and safe communities
 Chapter 9 – Promoting sustainable transport
 Chapter 11 – Making effective use of land
 Chapter 12 – Achieving well-designed places
 Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
 Chapter 15 – Conserving and enhancing the natural environment
 Chapter 16 – Conserving and enhancing the historic environment
 Chapter 17 – Facilitating the sustainable use of materials.

- 6.8 Since March 2014 Planning Practice Guidance for England has been published online.

6.9 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was validated on 15/08/18 and was advertised by site notices, press advert and 84 neighbour notification letters. As a result, 3 letters of representation were received. In August 2020, amended plans were received and therefore, another round of publicity was undertaken. The amended plans were advertised by site notices, press advert and 84 neighbour notification letters. 3 interested parties and 2 letters of representation were received, one of which was from Huddersfield Civic Society which is included in the heritage section of the appraisal.

7.2 A summary of the comments received is provided below.

7.3 2018 Original scheme:

- Area is of significant importance to Huddersfield
- proposed new building elevations do not in any way respond to the 'Infirmery' the one listed building the developers are proposing to leave standing.
- the site does need to be developed but for such an important and visible area of Huddersfield an increased effort is required from this developer in respect of his proposed facade designs
- Huddersfield Civic Society accepts the uses but raises concern design
- profound impact the setting of the listed Infirmery building, which, as a Grade 2* building is considered of regional importance
- mass, articulation, and fenestration, particularly those adjacent to the Infirmery, fail to reflect the architectural quality of the listed building and the town's distinctive architectural quality
- wing designed by prominent local architect, in 1874 and the wing containing the water tower are both distinctive and architecturally important features
- no approval for new buildings should be given until there is substantial and convincing evidence that these structures cannot be successfully re-used.
- level of metal cladding rather than the use of stone, particularly in relation to buildings along Portland Street and the adjacent Conservation area
- those buildings which are retained are converted and suitably restored as part of an agreed phased development and are not neglected should part(s) of the site be disposed of.

- In June 2016 the planning committee stipulated that “natural stone” should be used on the elevations of the permitted supermarket application.
- The current application for block 8 proposes extensive use of “sandstone faced rain-screen cladding”. The acceptability of this material is dependent upon its quality
- If it replicates the local stone used on the recent University Oastler building, then that would be satisfactory; any other material may not complement the adjacent Grade II* listed building or Conservation area
- West elevations of buildings 2 and 3 have too much metal cladding but a greater proportion of sandstone should be used on the side facing Portland Street.
- Phasing of the development: Planning Authority should condition the simultaneous development of all 4 buildings.

7.4 2020 - Revised Scheme:

- How happy I am to hear this and sincerely hope this application is successful.
- After 5/6 years and numerous callouts of the emergency services – both Police and Fire
- Site is a complete eyesore for visitors to this historic town putting Huddersfield in a very poor light indeed.
- The property is being used by many of the homeless community as a public convenience – and this I see on a daily basis
- Huddersfield Civic Society- welcomes retention and conversion of those buildings marked Buildings 1,2 and 3 on the submitted plan
- Notes the applicant states, this drawing shows an indicative design only
- Should a detailed application on this part of the site be submitted it is essential that attention is paid to the relationship with buildings within the adjacent Conservation Area and particularly those along Portland Street
- strong objection to the elevational details of the proposed supermarket and related car parking and would appear to achieve even lower standards of design than existing college buildings
- contrary to objectives of the Council in promoting good design, on a site which leads to the Station Gateway, where a fundamental ambition within the Council's Blueprint is to enhance the heritage and commercial attractions of the town
- greater focus on materials, elevational detail, built form and landscaping, incorporating greenspace with tree planting.
- introduction of the proposed supermarket, into an existing application, to be wholly inappropriate given no such element was included in the

- original application.
- By accepting the changes as a revision, the opportunity for members of the public to submit comments has been reduced from the time frame allowed

Ward Councillor comments

7.5 Ward Councillors were emailed on 12.01.2021. Any comments received will be reported in the agenda update.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM - No objections subject to conditions.

Lead Local Flood Authority (LLFA) - No objections subject to conditions.

Historic England – **Summary:** the principle of redeveloping this site is supported. Whilst the HE welcome some changes to the previous scheme, the loss of historic buildings – block G in particular -and the increased density of the proposed development on the north part of the site would be harmful to the character and appearance of conservation area and the setting of surrounding listed buildings, and consequently we have concerns on heritage grounds. Whilst we do not object to the proposal, we ask that your authority is satisfied that this is the minimum amount of development necessary to make the proposal viable and that can only be delivered in this particular way.

When making this judgement, we ask you to consider the ‘special regard’ which must be paid to the desirability of preserving listed buildings or their settings and preserving or enhancing the character or appearance of conservation areas. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 127, 130, 192-196 and 200 of the NPPF. Comments in full in paragraph 10.68-10.79

8.2 Non-statutory:

KC Conservation & Design – Comments

The clearance and redevelopment of the former college buildings is acknowledged as a positive. However, the apparent outcome of the current proposal would be the demolition of substantial parts of the grade-II* listed building and continuing uncertainty of the future for the retained former infirmary buildings and the northern part of the site. The public benefits of the proposed development have, therefore, not been clearly demonstrated sufficient to address the requirements of NPPF Paragraph 202 or Local Plan Policy LP35.

Advise that committee Confirm that officers can issue an Urgent Works Notice (UWN) as and when required to preserve un-occupied listed buildings (Buildings 1,2, and 3 on the masterplan) under Section 54 of the Planning (listed Buildings and Conservation Areas) Act 1990, to require works listed a)-e) in paragraph 10.34 of this report to be completed and issued on the landowner.

West Yorkshire Archaeology Advisory Service (WYAAS): Parts of the hospital require archaeological and architectural recording prior to the change of use. In particular the entrance block which housed principal accommodation for senior staff and medical facilities.

KC Ecology - No objection provided the following pre-commencement conditions are included, or ideally this information could be provided prior to determination.

KC Trees - The applicants have attempted to retain existing trees on site. No objections subject to conditions.

Georgian Group - Object. Welcomes the repair and reuse of the original c1831 former infirmary building but object to the demolition of a number of the later nineteenth and early twentieth century former hospital buildings.

Huddersfield Civic Society - Object. Welcomes the Retention & Conversion of buildings 1, 2 & 3. Strong objection to the elevational details of the proposed supermarket and related car parking supermarket would appear to achieve even lower standards of design, as very prominent site. Severely question Council's commitment to its own Blueprint and its ability to positively promote high standards of architecture and design.

Yorkshire Water - No objections subject to conditions.

KC Strategic Housing - No objection. Based on a development of 239 residential units, 48 units are sought from this development. for 1 and 2 bed dwellings. The applicant proposes studio, 1-, 2- and 3-bedroom apartments housing, therefore a mixture of these would be suitable for this development.

Vacant building credit: Government guidance and policy in planning practice guidance and the National Planning Policy Framework, notes the following on vacant building credit (VBC):

VBC is applicable resulting on the provision of no affordable housing units in this scheme.

KC Education - The scheme generates a total requirement of £291,469 towards primary school provision (Spring Grove J I & N School). No secondary education is required by this development.

KC Strategic Waste - No objections. No closed landfill sites within 500m of HD1 5NN, nor does our historic sieve maps.

* According to the Environment Agency search website, there are no Active landfills within a 500m radius.

KC Business Team - The business team recognises the significant investment brought into developing this Huddersfield Gateway site and in bringing a listed building back into use. Therefore, support the application on the basis of the significant jobs to be created and would wish to also explore the opportunity for local plant, material, and labour during the construction phase.

9.0 MAIN ISSUES

- Principle of development
- Heritage Issues and Restoration of the Listed Building
- Residential amenity & Unit Size
- Ecology and trees
- Planning obligations and financial viability
- Phasing of the development
- Housing issues
- Highway issues
- Drainage issues
- Climate Change
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The site is allocated as a mixed-use site - Land North of Trinity Street, Huddersfield (Site Ref: MXS4) in the Kirklees Local Plan which was adopted in February 2019 as set out above. In planning policy terms, the site allocation within the Local Plan can be given full weight.
- 10.4 The southern section of the site previously benefitted from an outline planning permission (Ref: 2015/93827) for the demolition of existing buildings and erection of a food retail unit (A1) with associated site works, parking, access, and landscaping which was approved with conditions by the Council on the 27th of June 2016. This consent granted 2,470 sq. m (net sales area of 1424 sq. m) of Use Class A1 retail floorspace within a single unit, but this permission has now expired. The committee may consider this to be a material planning consideration. This previous retail scheme did not include the comprehensive redevelopment of the site or a programme of urgent works to the to the heritage buildings whereas the applicants scheme does, all be it without securing the conversion of the heritage buildings.
- 10.5 Members may recall Pre-application 2017/20041 that was presented to the Strategic Committee on 5th October 2017 to engage with members on the potential redevelopment of this site and obtain their views on the scale, form, and uses proposed. Committee comments were generally supportive of its redevelopment and the consequent regeneration benefits. However, they did wish to see the scheme with its scale respecting the existing listed buildings and the Edgerton Road Conservation Area. It should be noted that the scheme at pre-application stage was significantly different due to the inclusion of a building of 11 storeys in height, which incorporated the retail food store at ground level and primarily residential units above, on the southern element of the site.

- 10.6 When this application was originally received in 2018, the UDP formed the development plan for Kirklees and the site was located outside of the Town Centre boundary. Consequently, at that time the applicants undertook a Sequential Test and Impact Test in relation to the proposed retail as required for sites outside of Town Centres. However, the adoption of the Local Plan included this site as being within Huddersfield Town Centre where retail and office developments are acceptable in principle. Furthermore, given that permission has previously been granted for 2,470 sq. m of retail floorspace on the site and notwithstanding detailed assessment of the scheme (currently 2,824 sq. m A1 retail), the principle of development on the southern part of the site which proposes retail development is therefore considered to be acceptable.
- 10.7 Turning to the proposed residential development on the northern part of the site, incorporating the residential development in outline form (buildings 4 & 5 shown on the masterplan) on the upper site and the historic core containing the listed buildings (buildings 1, 2 & 3 shown on the masterplan), consideration needs to be given to the material considerations of the potential benefits that would accrue in terms of the partial regeneration of a key brownfield site and a significant level of investment and employment generation. These matters can be weighed by the decision maker against any identified harm to heritage assets from the demolition and construction of the buildings and the scale and massing required to accommodate 229 residential units.
- 10.8 It is recognised that there are benefits from providing a significant number of residential units into the Town Centre. Policies LP13, LP15 and LP17 of the KLP support town centres as places where people live. Policy LP15 of the KLP refers to residential uses within Town Centres and gives criteria to assess proposals against. This scheme is compliant with the criteria in terms of the residential unit's proposed in the wings of the primary listed building and further assessment will be undertaken at reserved matters stage when details are submitted for the northern element of the scheme that is currently in outline form. Policy LP17 of the KLP which refers to the Huddersfield Town Centre, identifies the centre to be the principal focus for high quality comparison retail goods within the district, supported by a range of leisure, tourism, office (including high quality grade A office space), and other main town centres uses. The opportunity that be secured by the restoration of the Grade 2* listed building for high quality office accommodation in a highly accessible location should be recognised.
- 10.9 It is also recognised that in the applicant's planning statement, they have justified the development in terms of its sustainability criteria and particularly the economic benefits of the scheme as required in the NPPF. *The retail food store element associated with the extant permission was identified as providing up to 50 jobs. Employment opportunities will also be generated during the construction phase and where appropriate, local labour would be given the opportunity to be involved.* Employment opportunities would also be provided by the office unit from the converted Listed Building (Building 1 on the masterplan).

- 10.10 Furthermore, in support of the application the applicant has provided comments in supporting letter dated 27th October 2021 and diagram which are included within the Appendix to this report which can be considered by the Committee as material considerations. Officers support the potential benefits to the town centre and the regeneration of this key site to enhance the visual appearance, environment, and economy particularly in this part of the town centre.
- 10.11 The site is identified as one of two key development site opportunities to support capacity for growth within the town centre over the plan period 2013-2031.
- 10.12 The Kirklees Economic Strategy 2014-2020 set a priority to revitalise Huddersfield Town Centre with more cultural, leisure and independent retail attractions, with the aim of increasing pedestrian footfall and the vitality of the town centre. The development can assist in and will play a key role in achieving these aims. Taking into consideration the aforementioned local policies and the broad aims of revitalising town centres as a key focus for investment from national policy in the NPPF, the principle of development on the site is acceptable. However, the ability of the scheme to recognise substantial public benefit has been reduced given that the conversion of the heritage buildings would not be secured within the phasing plan of the S106 Agreement.

Quantum and density

- 10.13 To ensure efficient use of land, Local Plan Policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. Kirklees has a finite supply of land for the delivery of the 31,140 new homes required during the Local Plan period, and there is a need to ensure that allocated sites are efficiently used (having regard to all relevant planning considerations) to ensure the borough's housing delivery targets are met.
- 10.14 The number of apartment units proposed is 229 which is 197 on the northern part of the site and 32 within the wings of the primary listed building in the Historic Core. The indicative number of dwellings within the site allocation box of the Local Plan is 45 but this also includes an employment floorspace of 2,103 sq. m. The density of the development as a whole would be 93 dwellings per Ha. Officers acknowledge that the challenges of the site mean that the northern element that comes forward at reserved matters would be a high-density format. However, this is a town centre where some scale can be accommodated if sensitively designed.

Heritage Issues and Restoration of the Listed Building

- 10.15 The former Huddersfield Royal Infirmary site occupies a prominent position on the edge of Huddersfield town centre, within the setting of a large number of listed buildings and affecting three conservation areas. The original infirmary (F1) is listed Grade II* and, together with the Grade II listed statue of Edward VII, provides an impressive centrepiece for a complex of structures which help to tell the story of the development of healthcare and the civic character of Huddersfield. These buildings are considered to form a priority site that is included in the national Heritage at Risk Register.

- 10.16 The three conservation areas are Greenhead Park, Town Centre, and Springwood Conservation Areas. The setting of Greenhead Park Conservation Area comprises residential development to the north and west of the site. To the east sits the Huddersfield Town Centre Conservation Area and includes St Georges Square and the railway station. Springwood Conservation Area includes properties on the western side of trinity street and approximately the northern half of the site.
- 10.17 Several listed buildings are located at close proximity to the site and therefore the proposals also have the potential to affect their setting.
- 10.18 When determining planning applications that impact on designated heritage assets local planning authorities have a statutory duty under sections 16(2), 66(1) and 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings and Conservation Areas or their setting or any features of special architectural or historic interest which they possess.
- 10.19 Paragraph 197 of the NPPF states: “In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.”
- 10.20 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.21 Paragraph 201 of the NPPF states that: “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.

10.22 Part 1 of Policy LP35 of the Kirklees Local Plan states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset and it mirrors paragraph 201 of the NPPF in terms of the assessment for proposals that would result in substantial harm or loss of a designated heritage asset. The policy sets out that in cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm, or all of the criteria listed a to d above are met.

10.23 A Heritage Statement has been prepared (by Woodhall Planning & Conservation) to support the application. The assessment identifies the heritage assets of the site and the potential impact upon the conservation areas and their setting. It appraises the historical significance of the blocks that are proposed to be demolished.

Re-use of Listed Buildings (Building 1,2&3 on Masterplan)

10.24 The proposal includes the conversion and restoration of the historic Grade II* listed infirmary building (building 1 on masterplan) along with the two rear wings to the west (buildings 2 and 3 on masterplan) into high quality residential and office accommodation. However, the applicants have confirmed that the conversion will not be secured through a phasing plan within the Section 106 Agreement. The application will secure a programme of urgent works and that will be delivered in 2 parts and completed **within 9** months of commencing works on site.

10.25 The restoration of the heritage buildings beyond the programme of urgent works would carry significant public benefits, but as they are not included within the phasing plan and are not secured through this scheme, the benefits of the scheme do not outweigh the harm caused through demolition of heritage assets.

10.26 The committee should be aware that the applicants have submitted information in relation to the public benefits which they consider will still be achieved which is in the information and diagram within the Appendix of this report. Members of the committee may however decide that any or all of these benefits carry sufficient weight to outweigh the harm.

KC Conservation & Design Team

10.27 KC Heritage Officers have provided revised comments in light of the applicants' clarification of their position:

10.28 Previous comments on the proposed LBC and Hybrid Planning application were provided by the Conservation and Design Team dated 09 October 2020 and 10 February 2021. The comments were submitted in relation to the proposals for the planning application and listed building consent (under the same references)

10.29 The principle of redevelopment of the site was supported in previous comments, despite the evident 'harm' to the listed building which would result from the extensive demolition of the former infirmary buildings. The heritage impact of the proposal was supported on the understanding that the overall mixed-use development would facilitate the restoration and conversion of the 1831 infirmary building and its rear wings.

10.30 *The development proposal evolved through the application process but indicated that it would retain the most significant part of the C19th, grade-II* listed infirmary, identified as Buildings F1, F2, F3 in the applicant's Heritage Statement (dated August 2020, Figure 1, page 6). However, prominent parts of the listed building, identified as buildings G, H1 and H2 in the Heritage Statement (dated August 2020, Figure 1, page 6) would be demolished to accommodate the new residential apartments at the northern end of the site. The late-C20th college buildings would also be cleared to enable the development of the proposed food-store at the southern end.*

The current position

10.31 *It is now understood that the applicants will not be progressing the development beyond the clearance of the college and former infirmary buildings (defined as buildings G, H1, H2 and J) to create a cleared development site, with disposal of the southern part of the site to accommodate the food retail site component. Following disposal of the southern part of the site to facilitate the food retail use, the applicants' intention is to market the cleared site and remaining infirmary buildings for development by others. Consequently, the proposed development does not provide certainty regarding either the: preservation of the retained grade-II* listed building (Buildings F1, F2, F3), or the timely delivery of the residential development to a high architectural standard which would complement the character and appearance of the conservation area. Achievement of objectives 5a and 5b above is necessary to present the "clear and convincing justification" required by NPPF paragraph 200 to balance the extent of harm to the designated heritage assets.*

10.32 *The identified adverse heritage impacts must be demonstrably outweighed by the clear public benefits secured by the development. In particular, the satisfactory restoration and reuse of the retained listed building and the townscape of the conservation area must be unambiguously demonstrated given the proposed loss of historic fabric and the high density of the residential development. Current proposal only presents minor works to the listed building, and the scale, mass, and detailed design of the apartment complex at the northern end of the site remains illustrative in the current proposal. The impact on the character of the conservation area and the setting of adjacent listed buildings, is also unknown at this stage and remains a potential concern given that there is no design commitment for the proposed residential component of the overall development.*

10.33 *Historic England retains its concern that the proposal, "would result in harm to the grade II* listed Infirmary building" and "likely harm to the Greenhead Park Conservation Area". However, the national heritage advisors concluded that the degree of harm caused by the development would be defined as 'less than substantial' and thus the adverse impact on the heritage assets should be balanced and outweighed by the delivery of clear public benefits (in accordance with NPPF paragraph 202). Consequently, Historic England emphasise that in determining the proposal it is essential that the Council is satisfied that the loss of the historic buildings and the proposed residential density are necessary to make the development viable and that the transformative development of the site can only be delivered in this manner. Therefore, in accordance with the requirements of the NPPF (paragraph 202) and the advice of Historic England, the Council's consideration of the*

development's impact must be demonstrably based on whether the "public benefits" of the proposal are convincing and sufficient to justify the harm to the Grade II listed buildings and the conservation area.*

- 10.34 *The applicant's Heritage Statement acknowledges the high level of harm which would result from the development but states that this would be, "balanced against the substantial public benefits that would be achieved by the redevelopment of the Site". The stated public benefits outlined in the Heritage Statement and application included, "the repair and restoration of the principal parts of the Grade II* listed building, the provision of a secure economic future for the Grade II* listed building and the enhancement to the setting of the listed buildings and the conservation areas" (page 51). These benefits are not demonstrated in the proposal or committed to in the draft S.106 agreement.*
- 10.35 *It is understood that the extensive listed building repair and restoration works will be lengthy and require detailed specification, hence acceptance that the overall development would need to be carefully phased to facilitate its delivery. However, it will be evident that the listed building has continued to deteriorate since being presented to Committee in February 2021, when Buildings F1, F2, and F3 were already in poor condition. These parts of the building complex which are required to be retained now exhibit clear openings in the roof and signs of unauthorised access which will have accelerated the grade-II* building's deterioration.*
- 10.36 *The minimum 'Urgent Repair Works' necessary to arrest the deterioration of the grade-II* former infirmary (as reported to committee in February 2021) have not been implemented. The applicants were advised in February 2021 that the following works should be undertaken without further delay to simply arrest the listed building's deterioration and help minimise repair costs to the part of the site which they intended to retain.*
- a. Establish secure site compound around whole site and security monitoring. Secure the building. Both externally and via other buildings on the site as they are all interconnected. Carry out ongoing security checks.*
 - b. Erect protective boarding around the sensitive fabric of the key buildings, such as the portico columns and the listed sculpture.*
 - c. Make the roof weathertight – using temporary repairs if necessary, such as bitumen felt in parapet gutter and over hips and ridge. Undertaking temporary repairs to missing slates – new slates or felt repairs and clearing downpipes and gutters of debris and vegetation.*
 - d. Adequately ventilate the building, to include basements to prevent dry rot.*
 - e. Board broken windows (with through ventilation) to prevent unauthorised access and pigeons. Due to access difficulties it's unknown whether propping is required internally.*

- 10.37 *The above basic works fall under the category of “Urgent Works to preserve unoccupied listed buildings” as per Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990, commonly referred to as ‘S.54 Urgent Works’. Such works could be required to be undertaken by the serving of S.54 notice on the property owners by the Council, and if not implemented the Council could execute the works at its expense and recover the cost from the applicants under Section 55 of the 1990 Act.*
- 10.38 *The proposed S.54 Urgent Works would not bring the grade-II* listed building back into active use and are not sufficient on their own to provide a “clear and convincing justification” for the extent of demolition proposed by the current proposals. Consequently, they would not provide ‘public benefits’ as they simply arrest the deterioration of the property owner’s heritage asset, temporarily protecting the listed building in the short-term until the full development commences, to help manage escalating fabric repair costs.*
- 10.39 *The implementation of S.54 Urgent Works would not normally require Planning Permission or Listed Building Consent so there should be no reason why a prudent developer would not implement them to protect the heritage fabric and the future investment in the building. Unfortunately, the applicants have resisted implementing the necessary works and challenged the definition of the scope of the S.54 Urgent Works, in particular the timing and scope of works to the roof. Consequently, the S.106 Agreement which would have included the implementation of these basic repairs has not been finalised and the building remains vulnerable and open to the elements.*
- 10.40 *It was understood that the proposed development would help deliver one of the objectives of the Huddersfield Blueprint (opportunity site 7) and address concerns at a priority site that is included in the national Heritage at Risk Register. The hybrid application was intended to allow a phased development with consideration given to the design and detailing of the proposed residential development on the northern end of the site at the reserved matters stage. This was to be delivered in parallel to the restoration and conversion of the listed building.*
- 10.41 *The Listed Building Consent and Hybrid Planning application forms part of a complicated proposed development package intended to secure the sustainable redevelopment of the whole former Infirmary and Kirklees College site. The successful delivery of the proposed development would offer an opportunity to conserve and re-use the listed building group as well as enhance a significant part of the designated conservation area, contributing to the strategic regeneration of this part of Huddersfield town centre.*
- 10.42 *Consequently, the principle of re-purposing the grade-II* listed building for residential/office use, partly facilitated by the demolition of the less-significant former infirmary buildings and the construction of new-build residential apartments and the former Kirklees College buildings (as a retail outlet) would be supported if it can be demonstrated that the whole development package is deliverable.*
- 10.43 *Given the high-heritage status of the listed building, it is essential that any consented development package for the site delivers the conservation of the retained former infirmary buildings (buildings F1, F2, and F3) and that the rejuvenated listed building group is complemented by new-build*

accommodation which demonstrates a high-quality of architectural expression and landscaping. This is essential to provide the necessary social and environmental benefits which would counter-balance the demolition of components of the listed building and the conservation and the transformation of the site.

- 10.44 *It is now understood that the current proposals delay the phased implementation of any works to the retained listed building (including temporary fabric protection works), while concentrating on the clearance of the former college buildings (to facilitate the retail food store) and the creation of a 'development ready' cleared site for implementation by others.*

C&H Team Conclusion

- 10.45 *The clearance and redevelopment of the former college buildings is acknowledged as a positive. However, the apparent outcome of the current proposal would be the demolition of substantial parts of the grade-II* listed building and continuing uncertainty of the future for the retained former infirmary buildings and the northern part of the site. The public benefits of the proposed development have, therefore, not been clearly demonstrated sufficient to address the requirements of NPPF Paragraph 202 or Local Plan Policy LP35.*
- 10.46 *It is, therefore, recommended that the applicants are advised to include a robust programme of temporary or Urgent Works as the basis to demonstrate their commitment to the delivery of their stated, "repair and restoration of the principal parts of the Grade II* listed building, the provision of a secure economic future for the Grade II* listed building and the enhancement to the setting of the listed buildings and the conservation areas".*
- 10.47 *As a minimum the principal parts of the Grade II* listed building (i.e., buildings F1, F2 & F3) must be made weatherproof and watertight, prior to any commencement of demolition works. This would facilitate the necessary surveys and inspections required to determine the scope of repair works and establish a clear construction programme for the focus of the site.*
- 10.48 *Similarly, to secure the future of the retained listed building, the S106 Legal Agreement covering the site must demonstrably facilitate the delivery of the restoration and reuse of the former infirmary buildings by being tied to relevant stages of the construction of the new build apartments on the northern part of the site. This requires the imposition of triggers in the S.106 agreement to ensure that the restoration of the principal parts of the listed building (building F1, F2, and F3) to be secured and implemented as a single construction project in parallel to the new build apartments.*
- 10.49 *The concern is that without such commitment the site the retained part of the listed building would not be restored and brought back into use, thereby negating the claimed public benefits and the "clear and convincing justification" for either the required demolition or the new residential apartments.*
- 10.50 *Historic England previously advised that that they have no objections to the office or residential re-use of the Grade II* listed building. The updated position of the applicants has required a formal consultation with Historic England, and this is included within paragraphs 10.36.*

- 10.51 A separate application (2018/92687) for Listed Building Consent was submitted to accompany the planning application. This relates only to the works to the Listed Building (including the demolition of those buildings and structures classed as curtilage buildings). If the committee resolve to support the officer recommendation the listed building application will be approved under delegation at the same time. Similarly, if the application is refused the listed building application will be refused under the scheme of delegation.

Statue of King Edward VII (Grade II listed)

- 10.52 This statue stands in the car park to the east of the original infirmary building. It consists of a bronze statue of the King in Garter Regalia on a granite plinth with bronze plaques of Peace, Sympathy, and Industry on three sides. The immediate setting of the statue of King Edward VII currently undermines the significance of this listed building. The surface parking, condition of surrounding buildings, and proximity of the large college buildings are all detrimental to its setting.
- 10.53 Officers sought amendments to the original scheme that secured a reduced level of surface car parking to the front of the primary listed building (building 1) and improved the area surrounding the statue so that that the attractive setting to the front of the Listed building and the statue could be enhanced and better appreciated with less visual clutter from car parking.

Demolition

- 10.54 The former college buildings (Blocks A to E as shown on the demolition plan) consist of 1970s tower blocks and previously used as a college campus. These buildings are heavily vandalised and have a negative impact on the immediate vicinity, and wider area including the nearby Conservation Areas. They adversely impact upon the setting of the retained listed building and indeed, completely obscure any view of the former infirmary (Building 1) from the south, southeast and southwest of the site. Officers consider that the demolition of this group will open views through the site towards the primary listed building within the historical core.
- 10.55 The buildings on the northern part of the site, (namely Blocks, H, G, J & K on the demolition plan) would result in the loss of some of the later phases of the hospital complex. The applicants state that their demolition is justified in part as these buildings have been altered, are currently vacant, and as a result of vandalism and fire, are in a poor condition. Due to their design and layout, these later blocks do not lend themselves to conversion for modern office or residential use.
- 10.56 Kirklees Council Conservation & Design officers did have concerns with the demolition of Building G. This building, which is listed as part of the infirmary complex, is considered to contribute to the significance and evolution of the site, with the two pavilions on the Portland Street elevation of this Art Deco building making a positive contribution to the character of the Greenhead Park / New North Road Conservation Area. The demolition of this building would cause less than substantial harm to the significance of the infirmary complex and character of the conservation area and this needs to be weighed against the public benefits of the proposal.

- 10.57 The applicants Viability Appraisal (VA) was assessed on behalf of Kirklees Council by Avison Young (AY) who produced an independent VA that concluded that the proposed demolition and density of new development at the northern end of the site is necessary to fund basic works to the 1831 infirmary building and attached wings. It states that without this level of work, the restoration of the listed building would be unviable.
- 10.58 Kirklees Council Conservation & Design officers advise that they can only support the level of demolition proposed should the public benefits associated with the restoration of the heritage buildings be secured. The clearance and redevelopment of the former college buildings is acknowledged as a positive, however, the apparent outcome of the current proposal would be the demolition of substantial parts of the grade-II* listed building and continuing uncertainty of the future for the retained former infirmary buildings. Given that the restoration of the heritage buildings is not now to be secured, the less than substantial harm caused to heritage assets through demolition is not outweighed by public benefits of the proposed development and the scheme fails to meet requirements of NPPF Paragraph 202 or Local Plan Policy LP35.

Northern Site (Buildings 4 & 5 on masterplan)

- 10.59 Although the submitted design of Buildings 4 and 5 show limited detail and this gives some uncertainty at this outline stage, it will provide the opportunity for detailed design discussions at reserved matters stage, when consideration must be given to the NPPF paragraph 130 and 192 – 196 as well as LP17, LP24 and LP35 of the Kirklees Local Plan. This will allow the regeneration of the site to proceed while safeguarding Buildings 1, 2 and 3.
- 10.60 KC Conservation & Design officers raised concern that the indicative scale and location of the new-build apartments would have a significant impact on the character of their context within the Conservation Area and requested that the applicants demonstrate that the indicative quantum of new build (197 apartments proposed) is the minimum necessary to make the overall development viable. However, this has been justified through the viability process and the evidence contained within the Viability Appraisal. Consequently, the quantum proposed, is considered to be the minimum amount of development.

Historic England

- 10.61 Historic England were consulted given the clarification of the applicant's position on the scope of their public benefits commitment, which does not include securing of the conversion of the heritage buildings beyond completion of the urgent works. Historic England commented on 02/11/21 as follows:

Historic England Advice

- 10.62 *We understand that the above applications are returning for consideration by your authority's Planning Committee. Our most recent advice is contained in our letter of 14 September 2020 in response to the entirety of the information submitted with the application. As we understand it, the scheme is largely unchanged from that time.*
- 10.63 *In considering whether to grant consent for the proposals, your authority needs to consider whether the public benefits of the proposal are sufficient*

and securable to justify the harm to the Grade II listed buildings and the conservation area. If the scope of the project or the proposals for the listed buildings have changed, your authority may wish to consider whether this should be considered as a fresh application.*

- 10.64 *Please refer to our previous letter for our full advice, but excerpts are included below to outline our position.*

Historic England Position on the Applications

- 10.65 *The development principles outlined in the local plan site allocation for this site state that: "Development proposals will be required to retain and reuse the Grade II* former Infirmary buildings. Any new buildings or structures should conserve those elements which contribute to the significance of the Listed Buildings on this site and the character of the Conservation Area."*
- 10.66 *We acknowledge the challenges of converting this site to a new use and welcome the many positive changes that have been made. We recognise the need for the proposal to be viable and therefore understand that the loss of some of these historic buildings may be necessary in order to achieve the repair and conversion of the grade II* listed Infirmary and rear wings and improvements to the forecourt.*
- 10.67 *However, the degree of loss and the density of the proposed development to the north of the site, with its impact on to the conservation area and setting of listed buildings, are a concern.*
- 10.68 *We believe that there would be harm to the grade II* listed Infirmary building and there is likely to be harm to the Greenhead Park Conservation Area. Although overall we consider that the level of harm caused will be less than substantial in NPPF terms, any harm requires appropriate justification and consequently, we ask that your authority is satisfied that the loss of historic buildings and proposed density are necessary to make the development viable and that this can only be delivered in this particular way.*
- 10.69 *When making this judgement, we ask you to consider the 'special regard' which must be paid to the desirability of preserving listed buildings or their settings as well as the desirability of preserving or enhancing the character or appearance of conservation areas. If your authority is minded to grant consent for the proposals you should consider how the public benefits of the scheme, including the repair and conversion of the listed building, can be secured as part of any consent granted*

Recommendation

- 10.70 *Historic England has concerns regarding the applications on heritage grounds.*
- 10.71 *We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 130, 197-202 and 206 of the National Planning Policy Framework.*
- 10.72 *In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed*

buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 10.73 *In addition, section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Your authority should take these representations into account and seek amendments, safeguards, or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.*

Georgian Group

- 10.74 *The response dated 03/09/2020) from the Georgian Group does recognise and welcome the repair and reuse of the original c1831 former infirmary building. Their response is summarised in the concluding paragraph and is therefore interpreted as an objection and states:*
- 10.75 *The proposed works to the former hospital complex would collectively cause a considerable degree of harm to its significance, and to the character and significance of the surrounding conservation area. Parts of the proposed work including the proposed total demolition of the later nineteenth and early twentieth century hospital ranges are of a particularly controversial nature and have not been adequately justified. We would therefore urge the applicant to withdraw this application until such time as they can address the issues highlighted within this letter. If the applicant is unwilling to do so, then consent should be refused.*

Huddersfield Civic Society:

- 10.76 *The Huddersfield Civic Society have stated that they welcome the retention and conversion of those buildings marked Buildings 1, 2 and 3 on the submitted plans. It also echoes those concerns, articulated in the Society's original comments, concerning the proposed residential block (Building 5) but notes the applicant states, 'this drawing shows an indicative design only. Detailed planning permission is not sought for this building'. Should a detailed application on this part of the site be submitted it is essential that attention is paid to the relationship with buildings within the adjacent Conservation Area and particularly those along Portland Street. It may be appropriate for a planning condition to this effect to be incorporated into any approval granted on this initial phase of the site development. However, the Society wishes to state its strong objection to the elevational details of the proposed supermarket and related car parking. This occupies one of the most prominent sites within Huddersfield, adjacent to Castlegate (ring road) and Trinity Street, the latter providing the main access to and from the M62 motorway.*
- 10.77 *Over the past few years there have been a number of high quality developments fronting the ring road, including those on the university campus and Huddersfield Sports Centre which have complemented buildings of architectural and historic value such as St Paul's Church and Queensgate Market. Those buildings on the former Kirklees College site, which were constructed in the 1960/70 period, have, generally, been considered to be of poor architectural quality, particularly in relation to the former Infirmary,*

adjacent Conservation Area and the prominence of the site. The proposed supermarket would appear to achieve even lower standards of design, particularly in relation to these features. It would, therefore, be a retrograde step for approval to be given to this element of the proposal, and contrary to objectives of the Council in promoting good design, on a site which leads to the Station Gateway, where a fundamental ambition within the Council's Blueprint is to enhance the heritage and commercial attractions of the town. Furthermore, this element of the application should, at the very least, undergo some major design revisions coupled with a far greater focus on materials, elevational detail, built form and landscaping, incorporating greenspace with tree planting. Finally, the Society view the introduction of the proposed supermarket, into an existing application, to be wholly inappropriate given no such element was included in the original application. There is little clarity regarding the 'revisions' and major conflicts between the (still undecided) Aug 2018 application on the council website and statements in latter documents. By accepting this change as a 'revision' to an existing application, the opportunity for members of the public to submit comments has been significantly curtailed from the time frame allowed in the event of a new application. As such, we strongly recommend this application be rejected and the applicant asked to resubmit a new application to ensure residents of Huddersfield are allowed the opportunity to express their views. As it stands any approval would be a retrograde step for the town and severely question the Council's commitment to its' own BluePrint and its ability to positively promote high standards of architecture and design.

Conclusion on Heritage

- 10.78 Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.79 Paragraph 200 of the NPPF clarifies that any harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 202 continues that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, as is the case here, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.80 It is also noted that Heritage officers advise that the demolition of building G will cause less than substantial harm to the significance of the infirmary complex and character of the conservation area.
- 10.81 Officers consider that the public benefits of the scheme would include the following:
- Programme of urgent works to grade 2* listed building (buildings 1 ,2 &3) that is currently on the National Heritage at Risk Register.
 - Enhancement of the setting of the primary listed building and its wings through the extensive demolition.
 - Partial regeneration of a highly prominent derelict site within the Town Centre (Whole site other than the heritage buildings (buildings 1,2 &3)
 - Secures a significant level of investment and employment opportunities

- Potential to deliver dwellings in the future in a sustainable location and within the Town Centre which when occupied assists with spend within the local economy and support retail units and town centre vitality and viability (but only if the whole site is developed)

10.82 The applicants have submitted information that is within the Appendix of this report and summarises the public benefits of the scheme given the applicants clarification of what is secured within the phasing plan. These details are the applicant's view of the public benefits of the proposal, and they may be considered to be material considerations by the decision maker.

10.83 In terms of weighing the less than substantial harm to the significance of the designated heritage assets against the public benefits of the proposal, including securing its optimum viable use, Officers consider the following:

10.84 It is recognised that the scheme would secure urgent works to the heritage buildings. However, such works are similar to those that can be secured under the "Urgent Works to preserve unoccupied listed buildings" as per Section 54 of the Planning (listed Buildings and Conservation Areas) Act 1990 where the site owner could be required to board up windows and secure the buildings, make the roof weathertight, ensure proper ventilation, clear the downpipes and gutters of debris all of which would assist in protecting the sensitive fabric of the key buildings. However, it should also be recognised that the applicants scheme requires the urgent works to be completed within 9 months of commencement of works on site. This timescale is an improvement on the previous offer at the time of the committee in November 2021, which was then a period of 18 months. Making the heritage buildings weathertight and waterproof **9 months** earlier will require funds at a stage in the development when the profits of the scheme have not been fully realised. This is beneficial given the very poor state of the listed buildings. Some additional weight can be applied to this improved offer by the applicants'; however, officers consider that this does not go far enough to outweigh the harm caused by the scheme. The applicants' scheme will not secure the conversion and reuse of the heritage assets whilst granting consent for a significant mixed- use development. Consequently, officers still consider that the move to complete the urgent works within 9 months can only be afforded limited weight as a result.

10.85 Partial regeneration of a highly prominent derelict site within the Town Centre (Southern part of site and demolition other than listed buildings) would be a significant benefit, with visual improvements of this derelict site initially from removal of the college buildings to the south, which would enhance this part of the town centre and its surrounding locality. Officers consider this should be afforded medium weight at most given that uncertainty will remain over the whole site delivery.

10.86 The potential for the provision of 229 dwellings would also weigh in favour of the proposal but undoubtedly is moderated by the failure of the scheme to secure anything beyond the delivery of the food store, demolition works and a programme of urgent works to the listed buildings. The economic and social benefits of a development in terms of the creation of jobs associated with the construction stage is positive but the benefits of increased footfall in the town centre cannot be given weight as uncertainty in delivery of the residential elements of the scheme are far from certain.

10.87 The Framework is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Grade II* buildings are particularly important buildings of more than special interest; 5.8% of listed buildings are Grade II*. Without a mechanism to secure the conversion of the heritage buildings to an advanced stage, the public benefits identified do not outweigh the harm identified by the demolition of heritage assets and the failure to restore them to a viable re-use. Consequently, the proposal is contrary to Policy LP35 Kirklees Local Plan and Paragraph 202 of the NPPF.

Residential Amenity & Unit Sizes

10.88 Local Plan Policy LP24 advises that good design should be at the core of all proposals. It states that development should provide good design by ensuring, amongst other matters, that they provide a high standard of amenity for future and neighbouring occupiers and also, that they are adaptable and able to respond to change and offer flexibility to meet changing requirements of the resident / user. As a consequence, matters such as maintaining appropriate distances between buildings, outside garden areas and also the provision of adequate living space are material planning considerations.

10.89 The applicants submitted a Noise Impact Assessment and Air Quality Assessment with the application. In terms of noise impact the retail part of the development on the southern parcel will generate noise that has the potential to affect the residential amenity of residents both within the development on parcels to the north of the site in outline form and the units within the listed buildings and in proximity to the development. Considerations are given to the operation of the site once each of the sections have been completed and also during the construction phase.

10.90 Although residential development would increase activity and movements to and from the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not considered incompatible with existing surrounding uses.

10.92 A condition requiring the submission and approval of a Construction Management Plan (CMP) is proposed. The details submitted for a future discharge of condition would need to sufficiently address the potential amenity impacts of construction work at this site.

10.93 In terms of Air Quality, the site abuts the ring road and is adjacent to the Air Quality Management Area (AQMA). Considerations are given to both the living conditions of occupants of the proposed residential units and office use (within building 1 of the masterplan). Further details of the assessments undertaken will be reported in the update.

Unit sizes

10.94 The application proposes the following unit size and mix of apartments for the full application detailed for the conversion of the primary listed building (Buildings 1, 2 & 3):

- Studio
- 1 bed
- 2 bed

- 10.95 The detailed design of the units within the outline part of the site for buildings 4 and 5 would be submitted at Reserved Matters stage.
- 10.96 Overall, the mix is considered to be acceptable and would contribute towards creating a mixed and balanced community.
- 10.97 The sizes of the proposed residential units is also a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.
- 10.98 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's draft Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions were required to be NDSS-compliant.
- 10.99 The applicant has confirmed unit sizes within buildings 2 and 3. Assuming the lowest number of intended occupants, and assuming some of the studios would be provided with shower rooms instead of bathrooms, 30 of the 32 dwellings would be NDSS-compliant. This equates to 93.7% complying with NDSS. The proposed unit sizes are as follows (grey highlights the non-compliant units):

Building	Description	Number of units	Size (GIA) sqm	NDSS (GIA) sqm, lowest number of occupants
2	Studio	2	37.0	39 (37 with shower)
	Studio	1	37.6	39 (37 with shower)
	Studio	2	39.5	39 (37 with shower)
	1 bed apt	1	44.8	39 (37 with shower)
	1 bed apt	1	45.9	39 (37 with shower)
	1 bed apt	3	49.2	39 (37 with shower)
	2 bed apt	2	63.3	61
	2 bed apt	1	64.0	61
	2 bed apt	1	64.1	61
	2 bed apt	1	64.4	61
	2 bed apt	1	66.7	61
	2 bed apt	1	67.1	61
	2 bed apt	1	68.7	61
	2 bed apt	2	72.0	61
	Total	20		
3	1 bed apt	1	45.1	39 (37 with shower)
	1 bed apt	1	54.5	39 (37 with shower)
	2 bed apt	1	55.4	61
	2 bed apt	1	56.6	61

	2 bed apt	1	62.9	61
	2 bed apt	1	63.8	61
	2 bed apt	1	66.7	61
	2 bed apt	1	68.2	61
	2 bed apt	1	68.4	61
	2 bed apt	1	69.8	61
	2 bed apt	1	69.9	61
	2 bed apt	1	72.9	61
	Total	12		

10.100 The proposed unit sizes overall are considered acceptable, noting the policy position in relation to NDSS, as well as paragraph 018 of the “Housing: optional technical standards” section of the Government’s online Planning Practice Guidance (ref: 56-018-20150327).

Ecology and Trees

10.101 An updated bat survey and walkover of the site was undertaken and submitted with the amended scheme received in 2020. This revealed minimal changes to the buildings and habitats on the site since the original surveys undertaken in 2017, and therefore with the application of mitigative measures, the risk to protected species is considered unlikely. With regard to the outline element of the scheme to the north only, surveys may require repeating on the buildings to the north of the site (G-K) at reserved matters stage to ensure the status of bats has not changed if the application is not submitted within 2 years from the date of the latest survey.

10.102 In accordance with Local Plan Policy LP30(ii) development is required to “minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist”. The Council’s Ecologist raises no objection provided pre-commencement conditions are included to ensure compliance with Policy LP30 to include Net Gain.

KC Trees

10.103 Arboricultural Report Surveys were undertaken and submitted to Kirklees Tree officers to assess. There are no objections to the proposals on the majority of the site subject to conditions.

10.104 With regards to the retail store element of the scheme, amended plans have been received showing that two trees (T38 and T41 Horse Chestnut) to the south of the food store are now to be retained rather than removed. They are of good size and form and would contribute to the overall amenity value and species retained on the site.

10.105 The KC Arboricultural officer has advised that the applicants have attempted to retain as many trees as possible on a difficult site with many constraints. The location of two trees on an embankment to the front of the store and close to retaining structures makes it difficult to accurately assess at this moment whether they can still be retained, once detailed structural assessments are made but this process could be undertaken by making a Non-Material Amendment application (Section 96a type application to Kirklees Council). The applicants did agree to attempt to retain them which is a preferred starting

position. It should also be recognised that amended landscaping plan (R-2377-1C landscape) includes enhanced planting within the car park area of proposed food store which is of benefit to the scheme both visually and from an ecology perspective. Details of the tree protection measures for the whole site will need to be secured as a condition in the form of an Arboricultural Method Statement to ensure compliance with policy LP33 of the Kirklees Local Plan.

Planning obligations and financial viability

10.106 The application before members has not amended or updated any details of the viability appraisal since the previous committee report 24th February 2021. Therefore, the details in the viability section of this report remain unchanged.

Under planning policies identified the scheme generates the following requirements:

Affordable housing:

10.107 Policy LP11 of the Kirklees Local Plan requires 20% of the dwellings on the site to be affordable. Based on a total of 229 units 46 dwellings would be required. However, Vacant Building Credit is applicable and due to the extensive buildings on site the calculation has removed the requirement to provide affordable units.

Education:

10.108 Policy LP49 of the Kirklees Local Plan provides for educational needs arising from new development. The scheme generates a total requirement of £291,469 towards primary school provision (Spring Grove J I & N School). No secondary education is required by this development.

Open space:

10.109 Policy LP63 of the Kirklees Local Plan relates to the provision of open space on new developments. The proposal showing a shortfall in Open Space provision of £373,578.

Highways:

10.110 An additional highway improvement scheme is also to be delivered in the direct vicinity of the proposed development to improve pedestrian and cycle links to the town centre, this will be conditioned and delivered by an agreed section 278. (Accepted that delivery will depend on viability of the scheme)

10.111 An upgrade to the existing lighting is requested as part of this development and will be conditioned accordingly. (Accepted that delivery will depend on viability of the scheme)

Financial Viability:

10.112 The applicant has submitted a financial viability appraisal (VA) which has been independently assessed on behalf of Kirklees Council, therefore for the purposes of the report is referred to as AY.

10.113 Without a reasonable profit there is no commercial justification to a developer investing money into a site. For the purpose of the assessment a target profit equal to 20% on cost (which equates to 16.67% if profit is measured in GDV) is considered to be a reasonable profit for the scheme proposed.

10.114 The key differences in the Viability Appraisals are as follows:

Sales Values:

10.115 The applicant's VA assumes a sales value of £250 per sq. ft on the new build residential element and £240 per sq. ft on the residential conversion. Whereas AY VA assumes sales values of £250 per sq. ft across the whole scheme.

Development Value:

10.116 The Applicant has not included any cost or value associated with the office conversion of Building 1. This is because they believe the office conversion to be unviable. AY have included the office development to demonstrate to committee the non-viable conclusion of this element of the scheme.

Build Costs:

10.117 The applicants assumed build cost of £140psf for the new build residential development and £145psf for the conversion elements but not included any costs other than making the building wind and watertight for the refurbished office conversion. AY have adopted £122.54psf for the new build element (external works) as the scheme will need to be designed in a sensitive manner in view of the listed buildings on the site, £113.53psf for the residential conversion and £90.30psf for the office conversion

Contingency:

10.118 The applicant has made an allowance of 2.5% on construction costs in their appraisal for a contingency. AY have assumed a contingency of 5% on construction costs to be normally applicable for brownfield/previously developed sites.

Project fees:

10.119 The applicant has included project fees at 6.85% on build costs whereas AY have applied 8%.

Land Value:

10.120 Applicant included a land value of £2,350,000. AY have included a land cost of £1,100,000. However, it is understood that £250,000 of fire damage works, as well as c. £750,000 of demolition works were quantified at the time of purchase. Valuation colleagues were in contact with the applicants Viability Consultants a couple of years ago about the application site when valuing another Kirklees College site. It was explained that there was c. £1,000,000 worth of abnormalities associated with the site at the time. The price paid for the site should reflect these abnormal costs. Therefore, AY deducted the c. £1,000,000 from the £2,100,000 purchase price to get to £1,100,000 and then included the £1,000,000 abnormal costs in our appraisal.

10.121 The Applicant's VA did not include any cost or value related to the office conversion, since they believed this element of the scheme is fundamentally unviable. As a result, no funds have been allocated to undertake the conversion works other than to make the building wind and water-tight at a maximum cost of £500,000. AY included the office element of the scheme in the appraisals to determine the overall viability of the scheme. AY appraisal and scenario 1 shows that the Applicant's VA is correct in that the office element of the scheme does not generate a value more than the costs. In the sensitivity analysis, when the office element has been removed it is then included the £500,000 works in the appraisal to ensure the cost is accounted for.

10.122 The aim of our assessment is to reflect industry benchmarks in development management viability. The Council's VA ignored the nature of the applicant and disregarded all benefits or disbenefits that are unique to the applicant. On this basis, the Council have removed circa £2,250,000 of costs that are considered to be unique to the Applicant. Therefore, the Applicants viability is substantially worse than our assessment shows.

10.123 The Council's assessors agreed with the applicants on the following issues:

- Policies would require the scheme to provide S106 obligations for education (£291,469), Public Open Space (£50,000) and a sustainable travel contribution (£60,000) amounting to £401,469

10.124 The VA Assessment demonstrates that with the inclusion of the S.106 obligations, the scheme generates a residual profit of £3,719,842, equating to approximately 9.67% profit on cost.

10.125 It should be noted that the figure for POS contribution has been revised to £373,535. This does not have a bearing on the viability conclusions or officer recommendation.

Sensitivity Testing

10.126 As part of the viability assessment a number of scenario's are explored to test:

- 1) Considered the viability of the scheme on the basis that the office conversion is simply made wind and watertight at a cost of £500,000. Under this scenario the profit generated by the scheme increases to 10.56% on cost. Whilst the viability is improved the profit generated still falls short of the 20% on cost which is deemed to be a reasonable return for the developer.
- 2) Considered the S106 requirements and builds on sensitivity one and removes the S106 obligations in addition to reducing the costs of the office conversion to £500,000 which would simply put the building into a weather tight state. Under this scenario the profit increases to 12.21% on cost (which equates to 11.74% on GDV) which is well below the threshold of 15-20% on GDV advised within the NPPF. Even under this scenario the profit on costs still falls short of the 20% profit on costs which is a advisable target.
- 3) Officers requested that the VA considered the possibility of Building 1 (the main listed building) for residential conversion rather than an office use. However, based upon a crude calculation and without accounting for additional costs on top such as professional fees (8% of build costs),

contingency (3% of build costs AY assumed 5% in the appraisal) and finance (varies), although the level of deficit was reduced it was still - £250,764 in deficit.

Conclusion on Viability:

- 10.127 The VA demonstrated the scheme (with no S106 contributions the development is viable but unable to generate a return (profit) which is commensurate with a reasonable return for a scheme of this nature (i.e. 20% on cost). Whilst removing the S106 obligations will in no way ensure a profit which commensurate with a scheme of this nature it may actually mean the applicant can broadly break even and deliver the scheme.
- 10.128 An overage clause was to be included within the S106 in the event that the conversion costs (buildings 1,2 &3) ended up being significantly less than the applicant anticipated and in turn yields a substantial uplift in the level of developer profit. In this event these funds would go to provide the planning obligations that cannot be secured at this time. The applicants have confirmed that the draft S106 Agreement includes, the agreement to pay Overage to the council over and above the initial £400,000 contribution (programme of urgent works on heritage buildings 1,2 and 3) and is capped at a further £301,000 in the event that the scheme made greater than a 15% profit on cost (on a 50/50 basis).

Phasing

- 10.129 KC heritage officers have assessed the external condition of the primary listed building (buildings 1,2&3 as shown on the masterplan) and it is evident that the listed building has continued to deteriorate since being presented to Committee in February 2021, when Buildings F1, F2, and F3 were already in poor condition. These parts of the building complex which are required to be retained now exhibit clear openings in the roof and signs of unauthorised access which will have accelerated the grade-II* building's deterioration. Officers have again identified a number of urgent works (listed a-e) in paragraph 10.33 of this report that are required to address the deterioration of the heritage buildings on the site.
- 10.130 Officers consider that significant public benefits could have been secured through the re-use of the primary listed buildings on the site (as detailed in paragraph 10.23) of the Heritage section of the report. However, the applicants have clarified that their conversion will not be secured through the Section 106 agreement. It is essential that in granting permission for the wider site redevelopment that the retained heritage assets will be protected from further deterioration. Whilst the scheme will secure a programme of urgent works to prevent further deterioration it will not secure the reuse and restoration of the heritage buildings to an advanced stage. Officers attempted to secure the conversion of the listed buildings to an advanced stage, such as to First Fix stage of building regulations requirements or its equivalent. However, the applicants cannot agree to this given the issues surrounding the issue of viability. Whilst the uses of the heritage buildings and the works contained within the scheme would be approved, they would not be secured through a phasing plan attached to this planning permission.

10.131 The condition of the internal fabric of buildings 1, 2 & 3 is at this stage unquantified. The external condition has been assessed recently by officer site visit and the condition previously reported prior to committee February 2021 has further deteriorated but is included below for members information and consistency with the previous committee report:

Building 1

- All visible lead missing from the roof, including ridge and hips, chimney flashings.
- External damp staining to the masonry suggesting parapet gutter lead also stripped.
- Portico roof leaking badly.
- Limited ventilation – needs to be addressed.
- Vegetation growth on roof.

Buildings 2 and 3

- Open and broken windows
- Lead stripped from roof
- Ground floor window boarding not seen but is it ventilated?
- Vegetation growth on roof and in gutters.
- Site security is poor enabling access across the buildings (hoardings pulled away and broken and accessible windows, heras fencing collapsed, rubbish used to access and climb walls).

10.132 It should be noted that due to the inter-connected nature of the interior access is available throughout. Heritage Officers identified the Urgent Works are required and should be undertaken without further delay. Protracted negotiations between the applicants and officers on the content of the Programme of Urgent Works and their timing failed to reach full agreement, however, if the committee weigh in favour of the scheme the main parts of the Programme of Urgent Works that is to be included and is drafted within the S106 document is included below.

Applicant programme of urgent works

10.133 The applicant has confirmed that the Owner shall submit both stages of Urgent Repair Works for the Council's written approval no later than 8 weeks following the date of the Planning Permission. Completion of Stages 1 and 2 Urgent Repair Works to the Listed Buildings will follow within 9 months of the date of approval of both stages. The completion timeframe of the programme of urgent works has therefore been brought forward from 18 months to within 9 months. The applicants have confirmed that the programme of urgent works will be brought in as an extension of the initial Enabling Works package.

10.134 The creation of a development platform for Lidl involves a 6-month Enabling Works programme at the cost of c. £1.5m that includes the extensive demolition and regrading of the site. However, the applicants offer now adds the full £400,000 S.106 contribution to that Enabling Works programme such that it is delivered as part of a single contract which is committed on Day 1 and completed within 9 months. Therefore, from the moment the site is taken over by contractors it will be secured and delivered with the programme of urgent works to the listed buildings as part of the overall package.

10.135 The email from P. Fox dated 10.02.22 states as follows:

Our proposal quite clearly states that the proposal we have made is to bring the works forward to completion within 9 months, not either the 12 months or 18 months referred to. More importantly it clearly expresses that those works are not time-deferred and that they are in fact to be brought in as an extension of the initial Enabling Works package.

As we have explained previously, the need to create a development platform for Lidl involved a 6-month Enabling Works programme at the cost of c. £1.5m to include the extensive demolition and site regrading, and we have now offered and proposed to add the full £400,000 s.106 contribution to that Enabling Works programme such that it is delivered as part of a single contract which is committed on Day 1 and is likely to have a 9-month project life.

The important point to stress to Members is that from the moment the site is taken over by contractors it will be fully secured and then delivered back with repair works/improvement works, etc. to the listed buildings as part of the overall package.

10.136 Officers acknowledge that the applicants' updated offer is an improvement towards securing the future of the heritage buildings which may attract modest weight to the improved timescale, however this still falls short of constituting significant public benefits that the conversion of the heritage buildings to an advanced stage would attract. Another point to note is that the £400,000 is less than the total of £401,000 previously proposed when the application was presented to committee in November 2021.

The details of both stages are unchanged from the applicants' scheme presented to committee in November 2021 and is shown below:

Stage 1 a detailed and fully costed scheme for the carrying out of the Stage 1 Urgent Repair Works provided always that the reasonable costs of carrying out the Stage 1 Urgent Repair Works shall not be required to exceed the sum of £100,000.00 (one hundred thousand pounds).

- a) the establishing of a secure site compound around the whole of the Heritage Buildings, the erecting of protective boarding around all sensitive fabric (such as the portico columns and the statue of King Edward VII), and the provision of ongoing security monitoring.
- b) installing ventilation measures to the Heritage Buildings (including basements) to prevent dry rot outbreaks.
- c) the repairing or boarding up (with through ventilation) of all windows so as to prevent access (including by birds); and
- d) works to clear the downpipes and gutters of Building 1 of debris and vegetation.

The Owner shall procure that the Stage 1 Urgent Repair Works are completed in accordance with the approved Stage 1 Urgent Repair Works Scheme.

10.137 **Stage 2** the second stage of urgent works necessary to arrest the deterioration in the fabric of the Heritage Buildings which shall comprise (unless otherwise agreed in writing between the Owner and the Council):

- a) works to make the roof of Building 1, Building 2, and Building 3 weathertight and waterproof through temporary repairs to vulnerable areas including parapet gutter and over hips and ridges.
- b) works to Clear downpipes and gutters of Building 2 and Building 3 of debris and vegetation.

The Owner shall procure that the Stage 2 Urgent Repair Works are completed in accordance with the approved Stage 2 Urgent Repair Works Scheme whereby phase 1 and 2 will be completed before **9 calendar months** following the date of approval of both the Stage 1 Urgent Repair Works Scheme and the Stage 2 Urgent Repair Works Scheme.

10.138 It should be noted that Kirklees Heritage Officers have commented on the legal requirement of works under category of "Urgent Works to preserve unoccupied listed buildings" as per Section 54 of the Planning (listed Buildings and Conservation Areas) Act 1990, commonly referred to as 'S.54 Urgent Works'. The works identified in the Heritage Officer's response at paragraph 10.34 could be required to be undertaken by the serving of S.54 notice on the property owners by the Council, and if not implemented the Council could execute the works at its expense and recover the cost from the applicants under Section 55 of the 1990 Act.

Housing issues

10.139 Kirklees Strategic Housing Market Assessment (SHMA) identifies that there is significant need for affordable 3+ bedroom homes in Huddersfield South, along with a lesser need for 1-2 bed roomed properties. There is an additional housing need in the area, specifically for older people. Rates of home ownership are low compared to other areas within Kirklees

10.140 There is significant demand for affordable 3+ bedroom homes in the area, along with demand for 1 and 2 bed dwellings. The applicant proposes studio, 1, 2 therefore a mixture of these would be suitable for this development.

10.141 Under the National Planning Practice Guidance (NPPG) 'To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount- equivalent to the existing gross floor-space of the existing buildings through Vacant Building Credit (VBC).

VBC is applicable to this scheme resulting in the removal of all the affordable housing requirements in this scheme.

The provision of 229 units would contribute towards the Council's housing delivery targets as set out in the Local Plan.

Highway issues

10.142 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed

effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

10.143 Paragraph 108 of the National Planning Policy Framework states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the National Planning Policy Framework adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe

The revised scheme (August 2020) comprises as follows:

Full Application (Buildings 1, 2, 3 & 6)

- A1 Shops – 1,998sqm Food store.
- B1 Business – 1,866sqm Office; and
- C3 Dwelling Houses – 32 Apartments.

Outline Application (Buildings 4 & 5)

- B1 Business – Up to 15,004 Offices; or
- C3 Dwelling Houses - Up to 197 Apartments.

Traffic Generation

10.144 The application is supported by a Framework Travel Plan and a revised Transport Assessment and Framework Travel Plan Dated July 2020 (Rev 2) prepared by Optima Intelligent Highway Solutions. The submitted Transport Statement assesses the traffic impact of a development of various scenarios in trip generation terms.

10.145 The development as a whole is expected to generate a total of 269 two- way vehicular movements in the AM peak and 309 two- way vehicular movements in PM peak respectively. Highways Development Management considers the trip rates utilised to be acceptable in this respect.

Site access

10.146 Access/egress to the site is to be taken via four points the proposed food store via Trinity Street with egress for HGV's taken via Portland Street and the residential/office element will take access/egress via Portland Street.

Parking provision

10.147 The total parking provision for the development is 255 parking spaces, of which 127 are proposed for the A1 food store. This leaves 128 spaces for the remainder of the development, given the sites context and location (Town Centre), along with proposed cycle parking is considered acceptable in this

respect. Whilst it's acknowledged a framework Travel Plan has been submitted, a full Travel Plan will be required to ensure sustainable travel measures are provided, this will be dealt with via suitable condition. Parking figures taken from Transport Assessment.

- 10.148 An additional highway improvement scheme is also to be delivered in the direct vicinity of the proposed development to improve pedestrian and cycle links to the town centre, would be conditioned and delivered by an agreed section 278. (This would require a financial contribution and the scheme has been subject to Viability appraisal as reported in the viability section of the report).

Servicing/refuse

- 10.149 An indicative arrangement for the service vehicle to the food store has been provided, no further information is provided for the refuse storage and collection for the remainder of the development, this will be conditioned accordingly.

Safety audit

- 10.150 A stage 1 safety audit and designers' response has previously been requested, as this has not been provided a suitable condition to cover the proposed highway works and access arrangements onto the highway is required.

Subway improvements

- 10.151 Concerns are raised regarding pedestrian safety in the existing underpass connecting the development to the town centre, an upgrade to the existing lighting is requested as part of this development and would be conditioned. (This would require a financial contribution and the scheme has been subject to Viability appraisal reported in the viability assessment).

Overall, the proposal is considered acceptable subject to relevant conditions.

Drainage issues

- 10.152 National Planning Policy Framework paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case. The site was larger than 1 Hectare and therefore a Flood Risk Assessment (FRA) and submitted that considered the risk of flooding

The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:

- 1 – into the ground (infiltration)
- 2 – to a surface water body

3 – to a surface water sewer, highway drain, or another drainage system

4 – to a combined sewer

10.153 Ground conditions at the site mean that soakaways are not considered a feasible drainage option for the disposal of surface water. The existing site drains to the public combined sewer system and Yorkshire Water has confirmed that the proposed development can discharge to the public sewer system at the 1 in 1 year rate less 30% subject to provision of detailed calculations and drainage connectivity survey. Flood risk to the proposed development from all sources is low, with the exception of localised surface water overland flows.

10.154 Yorkshire Water has confirmed that foul flows can connect to the existing combined sewer around the site.

10.155 The Lead Local Flood Authority (LLFA) support the development proposed. Conditions will require details to be submitted of scheme detailing finalised foul, surface water and land drainage, intrusive investigation into the possible enclosed watercourse inside the southern boundary, surface water discharge rates, interceptors and prevention methods of preventing contaminated drainage. As the scheme would not require attenuation infrastructure on site, the arrangements for the future maintenance and management of drainage infrastructure within the site is not considered to be required. Should the committee grant planning permission the updated S106 agreement would not include a maintenance contribution. The proposal accords with Local Plan policies LP27, LP28 and chapter 14 of the National Planning Policy Framework with regard to its potential impact on local flood risk and drainage.

Climate Change

10.156 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan Policies and Guidance documents to embed the climate change agenda.

10.157 The proposal involves will recycling of a brownfield site and this regard represents an efficient use of land and resources. The site is at close proximity to key transport hubs and in terms of location the site is sustainable. The re-use of the listed buildings would secure a significant saving of embodied energy. The provision of electric vehicle charging points will be secured by condition which will help to mitigate the impact of this development on climate change. Suitable cycle storage facilities are also proposed, and areas of landscaping will be enhanced with planting as well as the retention of existing trees where possible.

Representations

10.158 -Area is of significant importance to Huddersfield

- proposed new building elevations do not in any way respond to the 'Infirmery' the one listed building the developers are proposing to leave standing.

-the site does need to be developed but for such an important and visible area of Huddersfield an increased effort is required from this developer in respect of his proposed facade designs

Officer response: The site is adjacent to the ring road, is very prominent. It is important that the sites redevelopment enhances the area and balances the site's potential whilst being an appropriate scale given the heritage assets upon and adjacent to the site. The outline part of the site to the North does not include details of appearance. The visual material submitted with the application is for indicative purposes only.

-profound impact the setting of the listed Infirmery building, which, as a Grade 2* building is considered of regional importance. Massing, articulation, and fenestration, particularly those adjacent to the Infirmery, fail to reflect the architectural quality of the listed building and the town's distinctive architectural quality

Officer response - Original comments from Huddersfield Civic Society have been updated with the revised scheme in Aug 2020. These are addressed in the Heritage section of the report

2020 - Revised Scheme:

-How happy I am to hear this and sincerely hope this application is successful.

-After 5/6 years and numerous callouts of the emergency services – both Police and Fire

-Site is a complete eyesore for visitors to this historic town putting Huddersfield in a very poor light indeed.

-The property is being used by many of the homeless community as a public convenience – and this I see on a daily basis

Officer response- The assessment of the scheme has recognised the impacts that the current condition of the derelict buildings is having upon the area and the social issues that are involved in developing this site.

-Huddersfield Civic Society- welcomes retention and conversion of those buildings marked Buildings 1,2 and 3 on the submitted plan

-Notes the applicant states, this drawing shows an indicative design only

-Should a detailed application on this part of the site be submitted it is essential that attention is paid to the relationship with buildings within the adjacent Conservation Area and particularly those along Portland Street

-Strong objection to the elevational details of the proposed supermarket and related car parking and would appear to achieve even lower standards of design than existing college buildings

-contrary to objectives of the Council in promoting good design, on a site which leads to the Station Gateway, where a fundamental ambition within the Council's Blueprint is to enhance the heritage and commercial attractions of the town

-greater focus on materials, elevational detail, built form and landscaping, incorporating greenspace with tree planting.

-introduction of the proposed supermarket, into an existing application, to be wholly inappropriate given no such element was included in the original application.

-By accepting the changes as a revision, the opportunity for members of the public to submit comments has been reduced from the time frame allowed

Officer response: The hybrid application is supported by a viability appraisal that demonstrates the very challenging nature of developing this site and preserving through adaptation and use its key heritage assets. It is considered that through the course of the application the scheme has evolved from one at significantly greater scale and impact to one more favourable, but in any case fails to provide sufficient public benefits to outweigh the identified harm.

11.0 CONCLUSION

11.1 There are a number of significant planning issues associated with this application, not least heritage assets and the viability of the site and development.

11.2 The Grade II* status of the primary listed building means that it is in the top 8.3% of listed buildings in England. The buildings are however in poor condition and in need of urgent repair works to address its deterioration.

11.3 The application site is a highly prominent brownfield site allocated for mixed-use development within the Kirklees Local Plan under ref MXS4 for housing, retail and/or leisure uses and the principle of residential and retail and office development at this site is considered acceptable. As decision makers the committee members may consider material considerations such as the partial regeneration of the site could outweigh the identified policies or guidance relating to development involving heritage assets. However, officers advise that in the absence of a phasing plan that secures the conversion of the listed buildings to an advanced stage, the development fails to provide sufficient public benefits to outweigh the less than substantial harm caused by the scheme. The inability to secure the re-use of the Grade II* heritage buildings would fail to comply with Policies LP35 of the Kirklees Local Plan as well as Paragraph 202 and Chapters 2, 4, 7 and 16 of the National Planning Policy Framework. The application is recommended for refusal and confirmation requested from committee that officers will issue an Urgent Works Notice (UWN) to preserve un-occupied listed buildings (Buildings 1,2, and 3 on the masterplan) under Section 54 of the Planning (listed Buildings and Conservation Areas) Act 1990, to require works listed a)-g) in paragraph 10.34 of this report to be completed and issued on the landowner as required.

- 11.4 The National Planning Policy Framework has introduced a presumption in favour of sustainable development. The policies set out in the National Planning Policy Framework taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

Background Papers:

Application and history files.

Website link to be inserted here

[Planning application details link](#)

Certificate of Ownership – Notice served on/ or Certificate A signed:

Appendix:

Appendix 1 Applicant Letter

The applicants submitted comments to the council regarding the issue of public viability in a letter dated 27th October 2021. The main content of which is included below:

It is hoped we are going to be able to move forward side by side and represent the application to committee in November, and in that spirit, we have pulled together a document summarising the 'benefits' of the scheme we are presenting.

Overview of position

- The landowner is of the view that the members concerns expressed at committee centred largely on the elevations and look of the Lidl store. I am pleased to confirm that through dialogue and redesign we have satisfied all of the offices concerns around materials, elevations, signage, windows and landscaping (new CGI to be prepared).*
- As you are aware, the applicant has always maintained that the sale of the first phase to Lidl and subsequent sale of the second phase of the new build residential / retirement apartments would 'enable' a combined maximum contribution of £400,000 towards ensuring the listed building and wings were shored up and made watertight to avoid further deterioration. This is predicated on making a 0% profit and in support, the Avison Young report suggested this was unviable.*

This 'urgent works / repair' investment was proposed to facilitate the listed building phase being formally presented as part of a high-quality development and not, a site that currently detracts from the area. The applicant continues to pursue grant support off its own back to assist and has submitted a full business case to the West Yorkshire Combined Authority (WYCA) for Brownfield Housing Funding (BHF).

- The initial feedback from WYCA is that the business case is a 'quality submission'. However, through the clarification question process, Cushman and Wakefield have highlighted that even with the grant funding available, the scheme still would not meet typical profit expectations. This mirrors the advice in the Avison Young viability report.*
- By committing £400,000 towards the listed building and wings, Trinity One LLP are over providing based on professional advice procured independently by both Kirklees MBC and WYCA. If the*

applicant can secure a consent, it will enable them to instruct the enabling works contractor at a cost of £1.65 million as well as secure the Lidl disposal totalling £3 million which generates the funds to be re-invested in the site.

- Build cost inflation, supply chain challenges and labour supply issues have also meant the cost of the enabling works has spiralled over the last 12 months, but we now have a fixed price to the end of 2021. There is still a need to pin down infrastructure / power costs given ongoing energy challenges. This allied with market uncertainty as a function of Covid-19, and reduced bank funding availability, have meant that attracting pre-let's has been impossible. Occupiers now want to have certainty of a scheme coming forward on site, hence the need to commit to demolition and clearance.*

As requested, below we set out the benefits of the proposed investment in the project. For ease of reference, we also enclose a more simplified and visual summary of the Trinity West project, adapted from one that was included in our business case submission to WYCA.

Economic Benefits

The economic benefits of the scheme can be split in two (1) construction (i.e. temporary) and (2) operation (i.e. permanent).

Construction

The proposed development will be a significant construction project, which will generate turnover and temporary employment for construction firms and related trades. The total construction costs of the proposed development will be around £43 million plus the build cost incurred by Lidl. The work will be over a c. 36-month build period and will create an estimated 222 jobs directly.

Construction activity, due to its heavy reliance on an extended and varied supply chain, has significant positive impacts that go well beyond the on-site jobs created and the capital expenditure invested in the proposed development. There would also be an estimated 177 indirect jobs created because of the construction activity.

Operation

Once Lidl have completed their multi-million-pound investment, there will be an estimated 40 jobs created at Lidl, with a range of skill levels from sales assistances to deputy manager level. Lidl is an equal opportunities employer and jobs will be offered across a variety of socio-economic

groups which assists in creating inclusive societies. We discuss the social benefits in more detail shortly.

However, there are more economic benefits once the scheme is complete:

- The Lidl store will provide a discount alternative to other supermarkets and result in a clawback of convenience and comparison spend to the area,*
- Wages paid by Lidl are likely to be re-invested in the local economy and in the town centre,*
- Lidl will pay business rates on their property and this income can be re-invested by the Council, and*
- An increase in the number of people living close to the town centre will drive footfall and spend, stimulating economic growth and strengthening the local economy.*

The demand for local labour arising from the construction programme will primarily depend on the lead contractors appointed who are likely to have their own network of established subcontractors and labourers. However, as part of our grant application to WYCA, we have had to set out how we will seek to create social value through procurement.

Examples how this could be achieved are:

- Asking questions on whether suppliers pay real living wage and evaluate the impact on costs should it be applied as a condition of contract,*
- Set targets for a proportion spend to be on Small Medium sized Enterprises and local organisations,*
- Set targets for the number of training opportunities provided,*
- Evaluate tenders against environmental impact in terms of waste reduction and carbon emissions,*
- Ensure policies comply with principles of CIPS Ethical Code, and*
- Ask companies to provide their policies on equality, diversity, and inclusion.*

Once complete, the project will provide up to 244 residential dwellings and a mix of studio, 1 and 2 bed apartments with potentially some 3-beds subject to the reserved matters application on phase 2. There is a housing crisis at a national, regional, and local level. In Kirklees, housing delivery is below expected levels and central government asked the Council to prepare an action plan in January 2021 to explore how barriers to housing delivery will be addressed. An issue identified in the Action Plan is the under delivery of brownfield land. There is an opportunity to start showing how the Council is addressing this issue and delivering much needed housing for the local community. In addition to diversifying the housing stock, this housing will generate Council Tax revenue that can be re-invested in the local community.

All elements of the mixed-use scheme will contribute towards reducing social exclusion and improving quality of life and general health and well-being through:

- *The provision of employment opportunities,*
- *Creating housing opportunities,*
- *Delivering a high-quality and inclusive built environment which is well lit and improves natural surveillance (in particular, the enhancements to the pedestrian route along the southern boundary that link with the Trinity Street Access Project), and*
- *Providing services in a highly sustainable location that are accessible to pedestrians and those using public transport*

Environmental Benefits

The site is in a highly sustainable location as identified in its Local Plan status as a key mixed-use allocation (MSX4). It is currently an eyesore and negatively detracts from the environment and town centre.

Redevelopment of the site will deliver on one of the core principles of the NPPF – the re-use of urban land. The scheme will create an attractive landscape with substantial new tree planting as well as opening views to the listed building and its wings. The scheme will significantly improve the environmental perception of this key western gateway site.

*The sustainable location of the site means residents will have direct and easy access to modes of transport other than the car. On-site in the listed building element, there will be 52 cycle parking spaces, a provision of over 1 per dwelling. There is also easy access to bus stops and Huddersfield train station. This will be improved with the **Trinity Street Access project** and **Station Gateway improvements** and our scheme contributes towards the economic rationale of both these investments. The ability to access shops, schools and medical services on foot also mean less reliance on the private car. Combined, our scheme and those being delivered by the Council will help to reduce CO² emissions in Huddersfield.*

Depending on project timescales, the new homes will have to comply to the latest building regulations. These are being strengthened and tightened over time as the government seeks to achieve net zero targets. Initially, changes to Part L of the Building Regulations (expected to be adopted by the end of 2021) will result in a 31% reduction of carbon emissions of new build homes. The Future Homes Standard will then be adopted in 2025 and it is estimated they will produce 75- 80% savings compared to current standards. In postcode HD1, less than 14% of properties have an energy performance rating of B+. This scheme will begin to improve the operational standards of properties in Huddersfield Town Centre.

Timing Benefits

We believe one of the key benefits of our proposal is the intention and ability to commence quickly. A positive committee outcome in November (and Section 106 in 4 weeks) will facilitate a commencement of the

enabling works contract in January 2022 and Lidl starting their store construction in July 2022.

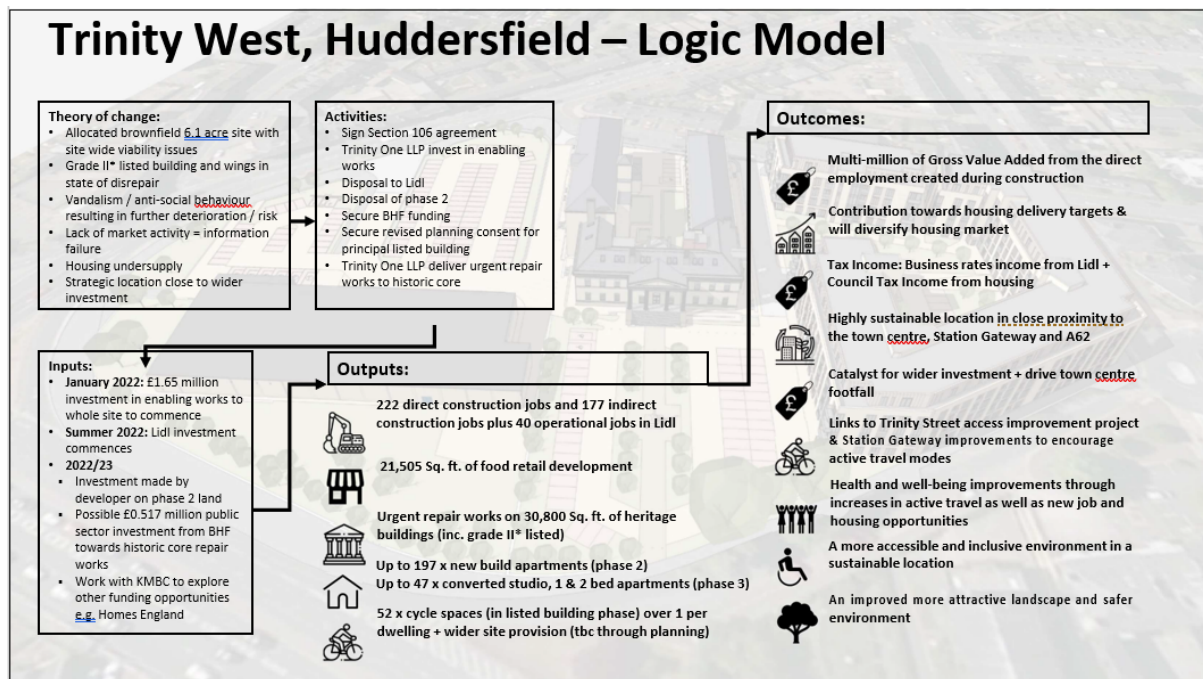
This site activity will facilitate the marketing of the future phases as a major regeneration scheme. Positively, the way we have structured the Lidl transaction enables our delivery of the cleared development platform as being self-funding and committed.

In the interim, we can continue to pursue options for grant aid support, and we remain keen to work with the Council in exploring other avenues such as working with Homes England or delivering an NHS drop in facility in line with lengthy dialogue we have held with NHS Architects.

The site has fundamental viability issues as confirmed by different independent advisers to Kirklees and WYCA. Without the first 2 phases of development coming forward, there can be no investment in the site and the benefits set out in this letter would not be achieved. The site is already a target for vandalism and anti-social behaviour and bringing the site forward for regeneration will eradicate the problem.

This site presents a major regeneration opportunity for the Council with significant benefits. The NPPF gives significant weight on the need to support economic growth and seeks to ensure that investment in business is not overburdened by the combined requirements of planning policy expectations. Through the regeneration and sustainable development of this site, a more vibrant and attractive environment will be created at the western gateway to Huddersfield Town Centre. Along with investments proposed by the Council themselves, the schemes could be catalysts for further inward investment in the town. With a consent in November 2021, change could begin as soon as January 2022, sending out renewed and positive messages about the town in the New Year

Appendix 2: Applicant diagram



Appendix 3

[Draft S106 Agreement](#)

S106 Plans

- [Plan 1 Hybrid Application Split Plan](#)
- [Plan 2 Demolition Plan](#)
- [Plan 3 Site Layout Plan](#)

[Draft Conditions](#)

[Draft Conditions Phasing Plan Re Condition 3](#)

Appendix 4

Link to previous SPC report- 18th November 2021
[link to committee report](#)

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 24-Feb-2022

Subject: Planning Application 2021/94337 Erection of construction facility to facilitate the construction works for the section of the TRU between Huddersfield and Westtown (Dewsbury), provision of strategic construction compound including open storage, trackworks and overhead line equipment (OLE) assembly and associated welfare facilities, construction of a retaining wall, environmental mitigation measures (noise attenuation) and provision of temporary platform for use during works at Huddersfield Station with associated access, utilities/drainage works Operational railway land, Hillhouses Yard, Alder Street, Huddersfield

APPLICANT

Tony Rivero, Network
Rail

DATE VALID

16-Nov-2021

TARGET DATE

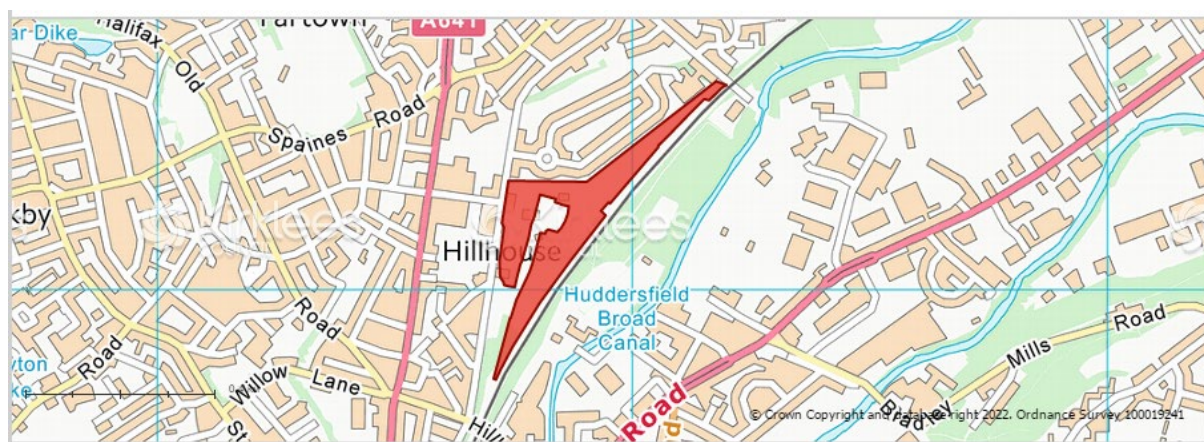
15-Feb-2022

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[link to public speaking at committee](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Greenhead and Ashbrow

Ward Councillors consulted: Yes

Public or private: Public

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report subject to removal of the objection from Yorkshire Water.

In the event that the objection from Yorkshire Water is not removed within 3 months of the date of the Committee's resolution, then the Head of Planning and Development shall consider whether permission should be refused on these grounds; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.00 INTRODUCTION:

- 1.01 This is an application seeking full planning permission for erection of a construction facility to facilitate the construction works for the section of the TRU between Huddersfield and Westtown (Dewsbury). The proposed development is to include provision of a strategic construction compound constituted of open storage, trackworks and overhead line equipment (OLE – electrification cables and gantries) assembly and associated welfare facilities, as well as the construction of a retaining wall, environmental mitigation measures (noise attenuation) and provision of temporary platform for use during works at Huddersfield Station with associated access, utilities/drainage works.
- 1.02 A Transport and Works Act Order (TWAO) for the Huddersfield and Westtown (Dewsbury) section of the TRU was submitted to the Secretary of State for Transport on 31 March 2021 (The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order). The TWAO was subject to a Public Inquiry between November and December 2021 and the Secretary of State's decision is now awaited. The planned upgrade of the railway between Huddersfield and Westtown (Dewsbury) is key to delivering passenger benefits along the Trans-Pennine railway.
- 1.03 The development of the former railway sidings at Hillhouse railway yard into a construction facility for the TRU is included within the Order application. However, in advance of The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order being determined, Network Rail (NR) is submitting a standalone planning application under the Town and Country Planning Act 1990 to facilitate the use of the Hillhouse Construction Compound site as advanced works to the Order.
- 1.04 The application is presented to the Strategic Planning Committee as the proposed development is a large-scale major application with a site area in excess 0.5HA whilst also interpreted as being under the definition of 'major infrastructure'.

2.00 SITE, SURROUNDINGS & CONTEXT:

- 2.01 The Trans-Pennine Route Upgrade (TRU) programme is a rail enhancement programme established to increase capacity and improve reliability/journey times between Manchester Victoria and York, via Huddersfield and Leeds. Enhancements between Manchester and Leeds will be delivered by the TRU West of Leeds Alliance ('TRU West'). The West of Leeds element of the TRU programme is split into various geographical zones with Project W3 (of which the application will be part) running from Huddersfield to Westtown (Dewsbury).
- 2.02 This application is required in order to assist in the delivery of the wider TRU programme and assist with other projects across the route in an efficient and coordinated manner. In addition, the Hillhouse facility is crucial to the timely delivery of all of the Transport and Works Act (TWA) Scheme given that it will act as its central construction compound. The compound is proposed as the first element of the whole Scheme. The submission of this planning application, prior to a decision being issued on the TWA, is to enable works to commence in a timely manner should the Order be approved. Network Rail have accepted that this planning application, being submitted in advance of a TWAO being issued, is at their own risk. In the event that the Order is not granted by the Inspector, works would cease, and the land would be restored to its previous state.
- 2.03 The Site is located at Hillhouse railway yard , Alder Street, Fartown. It is approximately 5 hectares in area and is entirely within the ownership of NR. It is operational railway land within the meaning of Section 263 of the Town and Country Planning Act 1990 and is also designated by NR as a Strategic Freight Site. The Site is currently occupied by a number of commercial and industrial units (including a vehicle repair facility, fuel distributors and suppliers and stone quarrying and preparation) who operate under short-term leases. Notice to terminate the lease agreements has been served on the businesses allowing them sufficient time to find alternative premises for relocation. The Site will have been vacated by the tenants in advance of the proposed development being brought forward.
- 2.04 The Site is bounded by residential properties to the north, the operational railway to the south and Alder Street to the north-west. The north-western boundary of the Site is located within 20 metres of residential properties on Abbey Place and Hammond Street. Other residential properties on Abbey Road, Alder Street and Midland Street are directly adjacent to the site as well as a number of commercial premises situated upon Alder Street. Vehicle access is directly off Alder Street. There is a Housing Allocation of 1.29 hectares, with an indicative capacity for 45 dwellings, adjacent to the western boundary of the Site. A Class 2 Archaeological Site is also adjacent to the western boundary, towards the south of the Site. The Archaeological Site is also a designated heritage asset as the 'Railway Coal Chutes and Tramway with Walls and Gates' are a grade II listed building (ID – 1096083).
- 2.05 The Kirklees Wildlife Habitat Network runs north-south along the eastern boundary of the Site adjacent to the railway, and north-south adjacent to the western boundary at the southern end of the Site only. The Strategic Green Infrastructure Network runs east-west adjacent to the southern boundary of the Site.

2.06 The site is located across two Ward's with the majority of the site being within the Greenhead Ward whilst the northern section, inclusive of the turning head is located in the Ashbrow Ward.

3.00 PROPOSAL:

3.01 The proposed development seeks full planning permission for a construction facility to enable the construction works for the section of the TRU between Huddersfield and Westtown (Dewsbury). The proposed development will comprise use of Hillhouse Railway Yard as a temporary strategic construction compound to serve the Trans-Pennine Route Upgrade works including:

1. Provision of strategic construction compound including open storage, trackworks and Overhead Line Equipment (OLE) assembly and associated welfare facilities;
2. Construction of a retaining wall;
3. Construction of environmental mitigation measures (noise attenuation), and;
4. Provision of temporary platform for use during works at Huddersfield Station; and associated access, utilities/drainage works.

3.02 Access to the Site will be from an arm of the existing junction between Flint Street and Alder Street. Flint Street connects to A641 Bradford Road, a major north-south distributor road to the north of Huddersfield. A new site access road will be provided within the Site to allow vehicle movement. Network Rail have stated the following in respect of works they will be undertaking which fall under their Permitted Development Rights:

- Provision of the stabling sidings in the Yard for the train operating company;
- Provision of a signing-on /mess facility to serve the sidings in question;
- Associated internal access and car parking.
- Retention of GSM-R Mast.

3.03 In terms of point '1' above, the use of the construction compound is principally as a temporary strategic construction compound to serve the TRU works between Huddersfield and Westtown (Dewsbury), including open storage, trackwork and overhead line equipment (OLE) assembly, and associated welfare facilities. Access to the compound would be via the existing entrance off Alder Street and a security gatehouse would be provided to prevent unauthorised access by the public.

3.04 The construction compound would be used by the civils and rail systems engineers and would include laydown areas for the receipt, storage and partial assembly of the OLE. The laydown area for OLE would be located in the northern part of the compound. A laydown area is also proposed for permanent way (P-Way) works including an area where the trackwork will be fabricated. This would also include the storage of ballast. Active plant and machinery would be present on site, including a crawler crane adjacent to the railway line. Construction and project management activities to service the wider Scheme would also be undertaken from the Site. The Site would make provision for welfare cabins for construction staff and associated parking, including parking for maintenance and construction vehicles, along with 23 car parking spaces. The welfare cabins (portable buildings or similar) are proposed at 2-storey in scale and would accommodate up to 30 staff. A staff shuttle bus would service the compound from Huddersfield Town Centre.

- 3.05 With regard to point '2', a retaining wall is proposed to be constructed to the north of the compound site. The wall is anticipated to range in height from 4.5 metres to 6.2 metres in height, with a 1.1-metre-high handrail installed on top. Earthworks are to be regraded at 1:2 to tie in with the top of the proposed retaining wall.
- 3.06 In respect of point 3, three railway sidings would be constructed within the Site for the purpose of stabling trains during night-time periods. The sidings would provide stabling to accommodate a maximum of 16 carriages. Although the sidings would be constructed under NR's Permitted Development (PD) rights, there is a requirement for noise mitigation to minimise the effects of the sidings. This requirement is also identified by the Environmental Impact Assessment undertaken to support the TWAO. In order to mitigate the impacts of the sidings, an acoustic barrier is proposed to be installed along the north-east boundary of the Site, adjacent to the site boundary. The barrier would be installed as early as possible following the construction of the retaining wall, in order to reduce the effects on local noise sensitive receptors during both construction and future operation. The noise barrier is proposed to be 2m tall and 165m long. It is to be comprised of steel posts and 2m x 2m noise reflective panels.
- 3.07 As regards point '4', provision would be made within the Site for a temporary railway platform for use while Huddersfield Station is being remodelled. The temporary platform will principally be in use for 64 days in total, in two periods of closure of the station (blockades) of 32 days each. The two blockades are currently planned to take place between March and April 2024 and April and May 2025 respectively. Two trains per hour would use the temporary platform during the blockades. It is also likely that the platform would be used to accommodate the stopping train service between Huddersfield and Leeds outside the principal blockade, but the intensity of use would be significantly reduced during that period at only one train per hour.
- 3.08 The temporary platform would be 150 metres in length and is proposed to be built from modular parts. The surface is likely to be a form of composite decking. The platform would be constructed within the eastern extent of the compound to enable passenger train services to continue to operate during the planned closures (blockade) at Huddersfield Station during the construction phase of the TRU. The temporary platform would be lit and will include a Public Address (PA) system, passenger waiting shelters, a small cabin for station staff and an emergency egress. The platform is not intended to be brought into use until the TWAO for the Huddersfield to Westtown (Dewsbury) section of the TRU is granted (should this be the decision).
- 3.09 During its use, the temporary platform would be served by a bus replacement service. The service would bring in passengers from Huddersfield Station while it is closed for works. Replacement buses would operate for a limited period of time during the four year construction period, operating for a total of 64 days during the two blockades. It is estimated that around five buses per hour would be required during peak periods (07:00–09:00 and 16:00-18:00) to transfer passengers from Huddersfield Station to the compound's platform. The number of buses is anticipated to reduce to two per hour outside of the peak periods. The temporary platform would not operate between midnight and 05:30. Passengers would purchase tickets at Huddersfield Station and would be transported directly from Huddersfield Station by replacement bus to the compound site.

- 3.10 It is anticipated that the replacement buses would route from the front of Huddersfield Station, turning left onto John William Street, onto A62 Castlegate, along the A641, turning right onto Flint Street. Passengers would be dropped off at the temporary platform; this would ensure that there is no unauthorised access onto the site by the public which may conflict with the construction works/traffic. Details of the widespread publicity of the transport arrangements during the blockade period would be made available nearer the time. When not in use, buses would be stacked on Alder Street.
- 3.11 The planning application for the Compound being submitted in advance of the TWA being agreed is predicated on the need to facilitate advanced works (i.e. those works that would happen in advance of the Order being approved) but only certain elements of the compound are needed for these works. However, the Compound would also be needed to facilitate the works related to the Order should this be approved, and would entail all of the elements described within the planning application. The definition of “advanced” works has been clarified by Network Rail and these apply to the schemes that Network Rail have already obtained prior approval for last year, which include – bridge works at Red Doles Lane, Fieldhouse, Ridings and Peels Pit. The discharge of the relevant conditions for the prior approvals are expected to be submitted by the end of March 2022.
- 3.12 With regard to future use of the site, this is detailed in the TWAO; the site will be used as permanent railway sidings and maintenance yard upon the completion of the construction of the Huddersfield – Westtown scheme.
- 3.12 An outline Drainage Strategy for the Site is being developed and will be completed at the detailed design stage and submitted to Kirklees Council for approval. The drainage strategy identifies that for the Proposed Development the existing drainage outfall to the combined sewer in Alder Street will be reused for the proposed storm and foul drainage. Storm water flow rates will be controlled to the existing rates and an attenuation tank provided on Site.

4.00 RELEVANT PLANNING HISTORY (including enforcement history):

2001/91945 – Use of land for recycling (screening and crushing) of highway excavated material to provide re-usable material for highway construction – Withdrawn

2007/93096 – Use of land for parking 13 HGV tractor units and trailers and erection of service/repair garage for 2 vehicles with associated fencing and drainage and access – Conditional Full Permission

2009/93145 – Change of use from B2 (commercial vehicle repair garage) to a mixed B2 use and end of life vehicle de-pollution facility & erection of a covered external vehicle store - Conditional Full Permission

2021/92493 – Prior Approval for Alterations to Railway Bridge under Part 18(a), Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. – Details Approved (Bridge MVL3/96 – Red Doles Lane)

5.00 HISTORY OF NEGOTIATIONS:

- 5.01 An Environmental Impact Assessment (EIA) screening request was submitted to Kirklees Council in respect of the proposal in June 2021. The Council's screening opinion concluded that the proposal is not likely to have significant effects on the environment which would amount to EIA, and as such an Environmental Statement is not required to support the planning application. Pre-application advice was also sought in respect of the proposal and a meeting was held with relevant Kirklees officers on 12th October 2021. Whilst there was no overall policy objection to the proposal, some clarification was sought in respect of traffic impacts, drainage, landscape, heritage and noise attenuation/air quality.
- 5.02 With regard to Hillhouses and the wider Trans-Pennine Route Upgrade, a Statement of Common Ground has been mutually agreed between Network Rail Infrastructure Limited and Kirklees Council. This Statement of Common Ground is intended to provide a succinct summary of the matters that have been resolved between the Council and Network Rail as regards Network Rail's application for the Order, request for deemed planning permission and listed building consents. The Statement of Common Ground is also intended to provide a succinct summary of the matters that remain unresolved between the Council and Network Rail Network Rail's application for the Order, request for deemed planning permission and listed building consents. The Statement of Common Ground provides clarity in respect of agreed condition wording between the two parties (Network Rail and Kirklees Council).

6.00 PLANNING POLICY:

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

- 6.02 The third and seventh strategic objectives of the Kirklees Local Plan is to:
- 3. Improve transport links within and between Kirklees towns and with neighbouring towns and cities, giving priority to public transport, and to cycling and walking, providing an efficient highway network which supports the district's economy.*
- 7. Promote development that helps to reduce and mitigate climate change, and development which is adapted so that the potential impact from climate change is reduced and to help the transition towards a low carbon economy.*
- 6.03 The Kirklees Local Plan Allocations and Designations (2019) also includes **Site TS7 Public Transport Improvement Schemes**. This allocation includes the Trans-Pennine Electrification and Huddersfield Station Capacity Improvements, which specifically refers to the '*electrification of the Transpennine rail line between Manchester and York and capacity improvements at Huddersfield Station to accommodate longer and an extra Transpennine service*'.

6.04 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP19 – Strategic Transport Infrastructure
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP33 – Trees
- LP35 – Historic Environment
- LP45 – Safeguarding Waste Management Facilities
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

6.05 Relevant guidance and documents are:

- Highway Design Guide SPD (2019)

Climate change

6.06 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

National Planning Policy and Guidance:

6.07 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

6.08 Since March 2014 Planning Practice Guidance for England has been published online. Relevant sections include:

- Consultation and pre-decision matters
- Determining a planning application

7.00 PUBLIC/LOCAL RESPONSE:

7.01 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), the application was originally advertised as a major development by means of 5 site notices erected adjacent to the site at various locations on the 08/12/2021, an advertisement in the Huddersfield Examiner on 17/12/2021 and by direct neighbour notification to adjoining properties.

7.02 As a result of the application's publicity, no comments have been received on the application to date.

7.03 Cllr Pattison (Greenhead Ward) responded to the Ward Member Consultation on the 3rd December 2021 to state 'no comments at the current time'.

8.00 CONSULTATION RESPONSES:

8.01 Statutory:

Coal Authority: The proposed development is a 'Material Consideration' as it is within a High-Risk Area – Suitable conditions would be attached to a decision recommended by the TCA.

KC Lead Local Flood Authority (LLFA): No objections subject to conditions

Health and Safety Executive: Do Not Advise Against the granting of planning permission (No Objections)

The Environment Agency: No comments or observations

Yorkshire Water: Holding Objection

KC Highways Development Management: No objection subject to conditions

KC Environmental Health: No objections subject to conditions

National Highways: No objections subject to condition wording advised within the Construction Traffic Management condition relating to Heavy Duty Vehicles on the Strategic Road Network

Natural England: No Comments

Canal & River Trust: No Impact on Huddersfield Broad Canal

Historic England: No objections subject to condition (integrated with WYAAS)

8.02 Non-statutory:

British Transport Police: No objection

KC Conservation and Design: No response

KC Crime Prevention: No response

KC Landscape: Comments summarised below:

To be satisfied with the proposals we will need to see amendments to the layout, planting schedule, protection measures and a working methodology for the site and landscape maintenance plan for the term of the sites operation.

An appropriately worded condition has been added which covers the above requirements.

KC PROW: No response

Northern Gas: No objection.

Railways Heritage Trust: No response

KC Trees: No response

KC Waste Strategy: Satisfied that the KC Environmental Health conditions, namely the Construction Environmental Management Plan (CEMP) condition, are sufficient to protect the adjacent SUEZ Energy from Waste Facility situated to the south east of the proposal site.

West Yorkshire Archaeology Advisory Service: No objections subject to condition (Integrated with Historic England)

West Yorkshire Police Designing Out Crime Officer:

Yorkshire Wildlife Trust: No response

9.00 MAIN ISSUES:

- Land Use and Principle of Development
- Residential Amenity & Environmental Health Matters
 - *Air Quality*
 - *Noise*
 - *Construction Environmental Management Plan (CEMP)*
- Highway and transportation Matters
 - *Construction Traffic Management*
 - *Non-construction Traffic Management*
 - *Network Management Impact*
 - *Construction Traffic Management Plan*
 - *Conclusion*
- Flood Risk and Drainage Matters
- Trees, Landscaping and Ecological Considerations
 - *Landscaping*
 - *Ecology/Biodiversity*
 - *Trees*

- Ground Conditions
- Design & Heritage
 - *Heritage Impact*
 - *Archaeology*
 - *Conclusion*
- Climate Change
- Other Matters

10.00 ASSESSMENT:

Land use and principle of development

- 10.01 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan (KLP). If a planning application does not accord with the development plan, then regard should be as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.
- 10.02 The temporary platform and the compound are situated on existing brownfield land designated under Section 263 of the Town and Country Planning Act 1990 as Operational Railway Land. Network Rail have designated the site for Strategic Freight historically and the site has, in recent years, been used for a variety of B2 and B8 Class uses, including a vehicle repair facility, fuel distributors and suppliers of stone quarrying and preparation materials. Indeed, the adjacent grade II listed Coal Chutes stand as a testament to the Site's historic association with the railway and the industrial uses often prevalent adjacent to them.
- 10.03 Given the current and historic land use of the site, the principle of a temporary railway platform and construction compound at this Site is acceptable as it is considered a key element of enabling the strategic rail transport upgrade set out within KLP Site Policy TS7. The Trans-Pennine Route Upgrade is a transformational scheme that has the potential to significantly boost the economy of Kirklees through increased capacity, improved reliability and reduced journey times. By consequence, the development accords with the third and seventh strategic objectives of the KLP which seek to improve transport links within and between Kirklees towns and with neighbouring towns and cities whilst promoting development that helps to reduce and mitigate climate change.

Residential Amenity & Environmental Health Matters

- 10.04 The nearest residential properties are located to the north of the site on Abbey Road, Hammond Street and Abbey Place. Topographically the residential areas are generally situated at a significantly higher level than the Hillhouses Yard Site, with contour mapping information indicating an average level difference of 5m. Given this situation and the limited scale of the proposed development – indicated as being two-storey temporary cabins – it is perceived that there will be a negligible impact on nearby residential properties with regard to the potential for overbearance, privacy loss and overshadowing. It is acknowledged that cranes have been proposed to operate on the site; however,

the length of their use in any given position is likely to be temporary whilst being positioned on manoeuvrable rolling stock that would limit a prolonged impact to a specific residential property.

- 10.05 As regards properties on Midland Street, to the south west of the Site, permitted development works to create the sidings within the centre of the Site are the nearest part of the development relative to these residential dwellinghouses. The creation of the spur from the existing railway track to provide access to the sidings is not likely to increase existing levels of overshadowing, privacy loss or overbearance, as a significant proportion of the trees (G19 on plan –Trees to be Retained/Removed on 151667-TSA-00-TRU-REP-W-EN-00190 Rev P01) are to be preserved above the retaining wall on the western side of Alder Street opposite the dwellinghouses on Midland Street. The Noise and Vibration Assessment has also considered the effect of the movement and stabling of trains within the sidings upon residents on Midland Street. The report indicates that the impact upon Midland Street is unlikely to incur adverse sound levels to these properties.
- 10.06 Kirklees Local Plan Policy 52 states that *'Proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.'* As the site is to function predominantly as a construction compound over a significant period between 2022/3 to 2027, it is clear that typical disruption resulting from construction and engineering operations on the site need to be handled appropriately and that practices are in place to mitigate and minimise air quality and noise impacts that could affect the amenity of nearby residents.

Air Quality

- 10.07 With regard to air quality, an Air Quality Assessment by Network Rail (dated: November 2021) has been submitted in support of the application. The proposed development site is located 500m north of Kirklees Councils Air Quality Management Area (AQMA 9) which encompasses Huddersfield Town Centre and was declared due to exceedances of the annual mean air quality objective for nitrogen dioxide (NO₂). The assessment focuses on dust nuisance and vehicle emissions during the construction phase of the development and the impact that this will have on existing air quality within the study area.
- 10.08 In respect of nuisance dust, a qualitative assessment of nuisance dust emissions was undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction. This considers three construction processes, earthworks, construction and trackout, and the potential dust impacts this will have on all sensitive human receptors within 350m of the site boundary. The nearest sensitive receptors are the residential properties adjacent to the north and north-east boundaries of the Site along Abbey Road, Hammond Street and Abbey Place. A risk assessment was undertaken to identify all sources of dust and the dust emission magnitude of the construction phase and the risk of impact at sensitive receptor locations. From this the potential significance

impact of dust emissions associated with the development without mitigation measures was determined. Where receptors are outside of these study areas, IAQM guidance concludes that the level of risk would be negligible based on the exponential decline in both airborne concentrations and the rate of deposition with distance. The report considered the Hillhouse Construction Site Compound to be at worst “high risk” due to dust soiling impacts. It goes on to say that that the adverse impacts can be minimised, reduced and where possible eliminated at the nearest sensitive receptors to the works through the implementation of best practice mitigation measures. These measures are listed in Section 7.2.1 of the report, titled ‘Mitigation Measures’ and their compliance would be conditioned subject to approval by Committee Members.

- 10.09 As regards vehicle emissions from the site, the impact of exhaust emissions was assessed in accordance with Environmental Protection UK (EPUK), and the Institute of Air Quality Management (IAQM) guidance. The site is currently occupied by a number of commercial and industrial units and a traffic count survey undertaken in 2019 indicated that the existing uses on the site generate 44 heavy Duty Vehicle (HDV) movements Annual Average Daily Traffic (AADT). This was compared to the predicted HDV construction vehicle trips – totalling 60 HDV movements per day (Monday – Saturday) and 51 HDV movements AADT. In addition, whilst Huddersfield station is closed for remodelling works, a rail replacement bus service would run between Huddersfield Station and the temporary platform. It is anticipated that there would be two train services per hour from the temporary platform and therefore around five buses per hour will be needed during peak periods (07:00–09:00 and 16:00- 18:00) to transfer passengers from Huddersfield Station to the platform. The number of buses is expected to be reduced to two per hour outside of the peak periods. The rail replacement bus service is predicted to generate a further 1,600 HDV movements annually resulting in a further 4 HDV movements AADT. In total the change of use of the Hillhouse sidings site to a construction site compound would result in an increase of 11 HDV movements AADT.
- 10.10 The report goes on to state that this does not meet the criteria for requiring an air quality assessment as set out in the EPUK & IAQM guidance as follows:
- A change of Light Duty Vehicle (LDV) flows of more than 100 Annual Average Daily
 - Traffic (AADT) within or adjacent to an AQMA, or more than 500 AADT elsewhere; or
 - A change of Heavy-Duty Vehicle (HDV) flows of more than 25 AADT within or adjacent to an AQMA, or more than 100 AADT; or
 - A change in road realignment, where the change is 5m or more and the road is within an AQMA.
- 10.11 The report continues by stating that the predicted increase in 11AADT HDV movements is relatively small compared to the existing road traffic emissions on the A62 Huddersfield ring road. According to the Department for Transport (DfT) 2019 traffic counts, there were an estimated 30,766 daily vehicles on the A62, 2% of which were HDVs. The report goes on to conclude that the effect of construction vehicle emissions (HDVs) entering and egressing the site would not be significant. This was based on the number of plant on site, their operating hours and the control measures proposed, and the IAQM guidance which states that exhaust emissions from construction plant are unlikely to have a significant impact on local air quality.

- 10.12 Overall KC Environmental Health agree with the approach, methodology and conclusions of the Air Quality Assessment.

Noise

- 10.13 The impact of noise emanating from the site that would have the potential to affect nearby residential properties is assessed in the submitted Network Rail Noise and Vibration Report (November 2021). The findings of the report are accepted by KC Environmental Health. The information within provides a broad outline of reasonable mitigation measures to deal with the expected noise and vibration resulting from the development. There are a number of uncertainties at this stage and whilst the results indicate that there are no significant adverse noise impacts during the construction of the proposed development, there are potential significant adverse impacts at NSRs to the north of the site due to night-time construction works while the site is being used as a construction compound during the construction of the TRU Scheme. The report states that any noise will be mitigated by a noise barrier at the north of the site which will be installed early in the construction programme with the purpose of mitigating operational noise from the site. It will also serve to mitigate construction noise. A 2m high noise barrier is proposed with a length of 165m to the northern boundary with reflective noise panels (as per drawing number 151667-TSA-31-MVL3-DRG-T-LP-162887) but no detail is given on the mass of the panelling. The report acknowledges that the barrier does not attenuate from the operation of the proposed development such that significant adverse effects are entirely avoided, particularly at first floor level. Environmental Health are cognisant of this particular matter and require a sound-insulation scheme by condition that is predicated on the installation of acoustic glazing and ventilation in affected residential properties with its effectiveness reviewed subject to a post-installation noise survey – this is explained in further detail in paragraph 10.15 below.
- 10.14 The proposed temporary railway platform will be served by a PA system which has the potential to lead to adverse effects at nearby dwellings. The results of the worst-case BS4142 assessment indicate that complaints due to PA system noise are unlikely during daytime periods and would be of marginal significance during night-time periods due to the ability to direct amplification away from residential areas and the relative infrequency of the systems use.
- 10.15 The report also highlights the impact of train start up and idling, particularly in freezing temperatures, within the stable sidings. During the normal operation of the site as a stabling sidings, during both the temporary and permanent phase, there are potential significant adverse impacts at Noise Sensitive Receptors (NSRs = residential properties) to the north due to train start-up during night-time periods. Additionally, during periods of freezing temperatures, noise from idling trains also has the potential to cause significant adverse effects. Mitigation will be provided in the form of a noise barrier to the north of the site together with an offer of non-statutory noise insulation to affected residential Noise Sensitive Receptors. Glazing and ventilation will be offered to the residential NSRs adjacent to the proposed development but it is unclear which of these properties will be offered the noise insulation proposed. However, it is anticipated that these proposals would help to mitigate the effect on the amenity of the occupiers of the noise sensitive receptors. Consequently, conditions are recommended to prevent the loss of amenity to the occupiers of neighbouring properties and these are included in the recommendation put before Members of the Strategic Planning Committee.

Construction Environmental Management Plan

- 10.16 A working draft of the Construction Environmental Management Plan (CEMP) has been submitted by Network Rail. The CEMP provides a framework in which environmental impacts are to be managed at the Hillhouse Compound throughout the duration of the construction of the section of the Trans-Pennine Route Upgrade (TRU) between Huddersfield and Westtown Dewsbury. The CEMP provides proposed controls in which to minimise or avoid the potential impacts and loss of amenity to the environment and nearby sensitive receptors. The report covers roles and responsibilities, training, communication, working hours, waste management, dust emissions, noise and vibration, and artificial lighting.
- 10.17 There remains a divergence in agreement on the information submitted for the CEMP by Network Rail contrasted with the information required by Environmental Health Officers to enable a condition for compliance with the CEMP resulting from the planning application process. The areas of divergence include working time restrictions, location of raw materials, location of demolitions, location of waste storage, artificial lighting specifications (height, direction and locations), dust suppression task timetables, delivery restrictions on weekends and compound layout plan. The specific matters are covered in more detail within the Environmental Health response.
- 10.18 The outstanding information points for the CEMP are to be clarified through a pre-commencement condition agreed with Network Rail.

Conclusion

- 10.19 With the exception of minor details to be clarified in respect of the CEMP, the potential nuisance dust generated by approval of planning permission for the compound and temporary platform would be satisfactorily mitigated through the measures proposed to control dust in accordance with Section 7.2.1 of the Air Quality Assessment. By consequence the AQA would be conditioned to be complied with and supplementary details required by condition for the CEMP in respect of specific tasks for dust suppression measures and practices on-site.
- 10.20 Similarly adverse noise generation from the new use of the site is to be minimised and controlled through the introduction of a 2m high noise barrier across the Site's northern boundary alongside the installation of specialist acoustic glazing and ventilation to affected properties. These noise measures are to be implemented by condition and supported by post-installation surveys to demonstrate satisfactory internal sound levels are achieved at Noise Sensitive Receptors with subsequent measures applied subject to the results of the post-installation survey. This latter point is also recommended to be conditioned alongside a condition for noise limitations to prevent background noise exceedance for fixed mechanical services, external plant and equipment.
- 10.21 The conditions recommended by Environmental Health Officers and attached to the recommended decision are necessary to protect and maintain the quality of life and amenity enjoyed by local residents to make the development acceptable in respect of LP Policies 24 and 52 of the Local Plan.

Highway and Transportation Matters

- 10.22 The council is committed to ensuring that new developments do not materially add to existing highway problems or undermine the safety of all users of the network. Planning can influence road safety through its control and influence on the design of new developments. Kirklees Local Plan Policy LP21 Highways and Access states that *'proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe. Proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network. Proposals shall also consider any impacts on the Strategic Road Network.'*
- 10.23 As previously mentioned in Section 3 of this report, the Site is to be accessed via the existing access formed from the eastern arm of the four-arm priority-controlled Alder Street/Flint Street junction. The junction benefits from a 'raised-table' carriageway to control speeds across it. The site access arm is proposed to be upgraded from its existing layout to provide additional width and improved road markings to ensure suitable access onto Site. The works are to be agreed pursuant to a Highways Act 1980 Section 278 agreement with Kirklees Council.

Construction Traffic Management

- 10.24 Site traffic is to mostly consist of those related to the construction works taking place on the site and across the wider TR Upgrade, with Heavy Goods Vehicles (HGVs) and Light Goods Vehicles (LGVs) composing the majority of movements to and from the Site. Construction routes include:
- Via A640 from M62 Junction 23 and right down Flint Street; or
 - Via A629 from M62 Junction 24, then via Bradford Road (A641) with a right turn onto Flint Street.
- 10.25 Construction Traffic is to be routed to avoid any areas where traffic calming measures have been implemented. Where practical, efforts have been made to route construction traffic around sensitive receptors such as schools, churches, etc. Routes have been chosen which have no height or weight restrictions. The construction routes are proposed on designated roads that can be used to access the Site and are of an appropriate design standard for the construction vehicles. All construction delivery vehicles accessing the local area from the wider strategic road network will use these designated routes and will be prohibited from using any other routes. Exceptions will be made for closed roads resulting from vehicle collisions or other similar emergencies and the Local Authority will be informed of any temporary diversions from the routes listed above.
- 10.26 Section 5.5.1 of the submitted Construction Traffic Management Plan (CTMP) states that there are no anticipated abnormal loads required for the proposed development site or its operation. However, if required, abnormal loads would generally be routed overnight to minimise conflict with other road users and, in addition, an escort vehicle will travel ahead of the load to hold oncoming traffic at suitable passing points. Any abnormal load would be subject to 'movement orders' agreed with Kirklees Local Highway Authority a minimum of 5 weeks in

advance. KC Highways consider it likely that abnormal loads will be required given the proposal includes the provision of pre-fabricated buildings which will need to be transported to the site. Details of abnormal loads have been added within the attached Construction Traffic Management Plan Condition.

- 10.27 National Highways have recommended that HGV movements should be prevented during peak hours by condition. The delivery timings set out within Section 5.4.2 of the CTMP accord with the requirements of National Highways to restrict HGV movements which could disrupt the Strategic Road Network.
- 10.28 Temporary Traffic Regulation Orders (TTROs) are proposed with discussions on-going between Network Rail and the LHA. Measures are to include temporary parking restrictions put in place on Alder Street (from Willow Lane East to Abbey Road) and along Flint Street (from Bradford Road to Alder Street).

Non-Construction Traffic Management

- 10.29 In addition to construction traffic, the Site will also be accessed by office staff, operatives and rail replacement coaches carrying members of the public to the temporary railway platform within the Site. Passengers would be dropped off directly at the temporary platform and there will be no direct public access to the site.
- 10.29 The Site will be staffed by around 30 office staff, who will travel directly to the Site. It is anticipated that 20 morning and evening trips will result within peak hours resulting in two cars for every three members of staff. A Travel Plan will encourage use of construction access routes, sustainable transport and car sharing. The Travel Plan is proposed to be produced within 3 months of the Site coming into use.
- 10.30 The Site will also be staffed by approximately 180 operatives. The operatives are to be bussed to Hillhouse Yard from the Fitzwilliam Street Depot adjacent to Huddersfield Station. The Fitzwilliam Street depot will house the operatives' welfare/canteen and clocking facilities. 12 minibus movements are anticipated between the two facilities (1 minibus has a capacity for 15 operatives) in each direction for the Morning Peak and Evening Peak hours. The Travel Plan will also encourage sustainable travel options for operatives to the Site and no on-site parking will be provided to operatives at Hillhouse Yard.
- 10.31 Office staff and operatives are to travel to the site throughout the duration of the Site's use as a construction facility enabling the TRU program. Conversely, the Rail Replacement Service operating during the closure of Huddersfield Station is for a far shorter temporal period owing to the 'blockades' being limited to two months in 2024 and 25 respectively.
- 10.32 The Rail Replacement Service is to operate with passengers purchasing tickets at Huddersfield Station travelling by replacement bus to the compound site. It is anticipated that the rail replacement buses would route from the front of Huddersfield Station, turning left on John William Street, onto the A62 at Castlegate, and then via Bradford Road (A641), turning right onto Flint Street and then entering the Site at the Junction with Alder Street. Passengers would be dropped off at the temporary platform to ensure that there is no unauthorised access onto the Site which may conflict with the construction works/traffic.

- 10.33 Network Rail indicate that there will be two services per hour from the temporary platform and therefore around five buses per hour will be needed during peak periods (07:00-09:00 and 16:00-18:00). The number of buses required outside of the peak periods is anticipated to be two per hour. The temporary platform would be restricted from operating between midnight and 05.30am. The transport arrangements affecting Huddersfield Station will be subject to widespread publicity in advance of the blockade periods.
- 10.34 Pedestrian segregation and footways have been considered in the highway layout design to enable safe pedestrian access across the site for the workforce. Loading and unloading areas are to be designated to specific locations within the site and the internal road layout has been subject to vehicle tracking and swept paths to ensure that HGV/articulated vehicles are able to turn around and manoeuvre throughout the site in a forward gear.

Network Management Impact

- 10.35 In respect of the potential operational effect of the proposed development upon the local and strategic highway network, Members should be aware of the Site's current operation as an active commercial estate with baseline trip generation being indicated at 19 trips in the morning peak hour and 21 in the evening peak hour.
- 10.36 Network Rail anticipate that there will be 60 HGV movements that are restricted to occur outside of peak hours (to minimise disruption at peak times) whilst there would be 54 cumulative trips (composed of staff, operative and Rail Replacement) at the height of the Site's operation during the blockades at both morning and evening peak periods.
- 10.37 When compared to the background trips, the generated trips for the proposed development will increase by 35 vehicle movements during the morning peak hour and 33 vehicle movements in the evening peak hour. However it is important to frame the increased impact in context. The generated movements of the development Site at full operation in peak hours, which is restricted to two months during the site's 4 to 5 year operation, is less than 1 per minute over the assessed timeframe. This impact during peak hours is anticipated to be negligible upon the safe operation and capacity of the highway network in this area.

Construction Traffic Management Plan

- 10.38 The Construction Traffic Management Plan would function as the mechanism through which mitigation measures to minimise impacts on the highway network can be implemented. The CTMP is to be conditioned as a requirement prior to commencement of the development and shall require submission of the following details:
- i. Details of construction access routes including access and egress points onto the public highway, including visibility splays, width, radii, fencing and gates.
 - ii. Prohibited routes for construction traffic.
 - iii. Any time restrictions imposed on any routes.
 - iv. Temporary road and Public Right of Way (PRoW) closures and diversions.
 - v. A signage strategy for each construction access route adopting the principles set out in Chapter 8 Traffic Signs Manual.

- vi. Details of the audit and performance monitoring for construction traffic to ensure their adherence to the stated routes and restrictions.
- vii. Traffic control measures (including details of traffic signal installations).
- viii. Site specific controls in consideration of the potential nuisance (noise, vibration, mud and dust).
- ix. Prohibition of parking of any construction site vehicles along the public highway.
- x. Detailed plans of highway improvements for safety, capacity, accessibility and resilience along any routes where considered necessary by the local planning authority including but not limited to details of passing bays, junction alterations, areas of carriageway widening, highway structures, footways, cycleways, drainage, signage, Intelligent Traffic Systems, road markings and carriageway strengthening required as a result of construction of the works with a timetable for implementation of the improvements and removal where appropriate.
- xi. Details of site hoarding.
- xii. Details of control of access/site security.
- xiii. Parking, including for site operatives, turning, loading and off-loading facilities.
- xiv. Pre-condition survey of the existing highway network to be used for construction traffic to be undertaken prior to the construction route being brought into use and proposals for inspection and repair of any damage to the highway network attributable to construction traffic.
- xv. Proposals for the reinstatement of PRowS where used for construction traffic.
- xvi. Details of the storage of materials, plant and machinery.
- xvii. Details of the management and handling of the movement of any excess excavated material and any new imported material.
- xviii. Details of abnormal load routes and submission of movement orders.

Conclusion

- 10.39 To conclude, a number of residual matters remain from a KC Highways Development Management perspective. These specifically relate to the scope and implementation of the TTROs, the location and availability of parking capacity for operatives at the Fitzwilliam Street facility as well as the Commuter Travel Strategy with regard to the practicalities of the operation of the Rail Replacement Service alongside the specific practical matters required within the CTMP.
- 10.40 The Local Highways Authority are in continuous dialogue with Network Rail to resolve these outstanding operational matters and KC Highways Development Management are satisfied that the outstanding details are at an advanced stage of deliberation to enable such information to be received subject to condition. The recommended conditions from KC Highways DM enable the proposed development to be determined as conforming with the requirements of Policies LP19 – Strategic Transport Infrastructure – LP20 – Sustainable Travel – LP21 – Highways and Access and LP22 – Parking.

Flood Risk and Drainage Matters

- 10.41 Policy LP27 – Flood Risk – of the Kirklees Local Plan requires that Proposals must be supported by an appropriate site specific Flood Risk Assessment in line with national planning policy. This must take account of all sources of flooding set out in the Strategic Flood Risk Assessment and demonstrate that the proposal will be safe throughout the lifetime of the development (taking account of climate change). The proposal must also not increase flood risk elsewhere and where possible should reduce flood risk. Mitigation measures, where necessary, should be proposed.

- 10.42 A Flood Risk Assessment (FRA) has been produced by Network Rail and is submitted in support of this application. The Environment Agency Flood Map indicates that the Site is located within Flood Zone 1. The vulnerability classification of the Proposed Development from fluvial flooding is considered to be 'less vulnerable' and as such is an appropriate development in this flood zone. The Site is to be raised towards the north of the site by up to 2m. Cut and fill volumes have yet to be determined but the location of the ground raising exercise is located solely within Flood Zone 1. All Site welfare and staff/office facilities are located within Flood Zone 1.
- 10.43 In respect of pluvial flooding, the supporting Flood Risk Assessment states that very heavy, high intensity rainfall may result in high surface water flows on the Site and areas of ponding. This may be as a result of rainfall intensity exceeding infiltration capacity or water logging of the ground beneath. However, the flooding mechanism is not known at this stage. There are small pockets of low risk surface water flooding on the Site. The drainage strategy for the Site will be based on the principles of the scheme-wide drainage strategy and subsequent discussions with the LLFA in relation to the wider TRU scheme. The management of surface water flows on the site include a storm water attenuation tank with a storage volume of 200m³ constructed from geocellular attenuation crates, SDS GEOLight or similar. Storage capacity is based on a peak discharge rate of 92 litres per second (l/s) for the 100 year storm plus 40% climate change allowance, based on 30% betterment of the assumed brownfield rate of 123l/s. This intention accords with point b within Policy LP28 – Drainage – of the Kirklees Local Plan which requires proposals on brownfield sites to achieve a minimum of a 30% reduction in surface water run-off relative to previous surface water connections.
- 10.44 The Flood Risk Assessment and the mitigation proposed in Section 8 of the Code of Construction Practice (Part A) document have been reviewed by the Local Lead Flood Authority (LLFA). Though the LLFA agree with the conclusions of the reports, specific detail in respect of the calculations that evidence the site's proposed capacity for its temporary and permanent drainage are not provided or agreed. The LLFA have consequently recommended the imposition of pre-commencement conditions pertaining to a detailed design scheme detailing foul, surface water and land drainage, (including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + climate change rainfall event, attenuation construction details, plans and longitudinal sections, hydraulic calculations and phasing of the permanent drainage provision). Further conditions are recommended detailing on-site/overland flow routing and a 'Construction Phase Surface Water Flood Risk and Pollution Prevention Plan'.
- 10.45 Yorkshire Water, as a statutory consultee, have advised the LPA of their 'holding objection' for the proposed development subject to a CCTV survey being conducted that would delineate the specific location of a combined sewer that crosses the southern section of the Site's redline boundary. As the specific location of the sewer is not known, Yorkshire Water's objection is necessary to ensure that no building takes place within the sewer's easement. As portable buildings are proposed, Officers do not anticipate that this holding objection is one that cannot be satisfactorily dealt with under delegated powers as the sewer is significantly distant from residential properties and the location of the portable cabins is to be covered by condition as advised in the 'Design and Heritage' section below. In summary, the attachment of the cited conditions to the recommended Committee decision enables the development to be in compliance with Policies LP27 and 28 of the Kirklees Local Plan.

Trees, Landscaping and Ecological Considerations

Landscaping

- 10.46 Policy LP24 – Design – of the Kirklees Local Plan advises that good design should be at the core of all proposals in the district. This reflects guidance within the National Design Guide and also the National Planning Policy Framework, at Paragraph 126, which confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy LP32 – Landscape – requires development proposals to take into account and seek to enhance the landscape character of the area.
- 10.47 An Outline Landscape Plan has been produced and is submitted as part of this application (drawing reference: 151667-TSA-00-TRU-REP-W-EN-001074 Rev P01). The outline plan shows the proposed landscaping approach, which includes retention of existing vegetation, along with re-enforced planting alongside the northern boundary of the Yard near Red Doles Lane, and tree and shrub planting on a N-S axis through the centre of the site adjacent to the sidings.
- 10.48 Consultation with KC Landscape indicates that not all opportunities for landscape planting are utilised within the Site and that further detail is required to enable a satisfactory scheme to come forward that would provide clear enhancement above existing levels. Consequently a condition agreed as a part of the Statement of Common Ground for a Landscape and Ecological Management Plan (LEMP) is recommended to be attached to a Committee decision on the application. The details captured in the LEMP would enable the development to be acceptable with regard to KLP Policies 24 and 32. The wording of this condition has been agreed previously between KC Landscape and KC Ecology with Network Rail as a part of the TWAO process.

Ecology/Biodiversity

- 10.49 Biodiversity and geodiversity are important components of a high-quality natural environment which help strengthen the connection between people and nature and contribute to health and well-being. A core principle of the planning system, as set out in national planning policy, is to conserve and enhance the natural environment. Planning policies and decisions should minimise impacts on biodiversity and geodiversity and aim to maintain and enhance biodiversity when determining planning applications.
- 10.50 West Yorkshire Ecology have identified the Kirklees Wildlife Habitat Network which connects designated sites of biodiversity and geological importance and notable habitat links within the district, such as woodlands, watercourses, natural and semi-natural areas. The identification of the Wildlife Habitat Network is intended to protect and strengthen ecological links within the district. The purpose of the network is to enable species populations to be sustained by protecting and enhancing the ecological corridors and linkages within the wider environment, including links to adjoining districts. Development within the Wildlife Habitat Network will not necessarily be prevented but the council will seek to ensure that development proposals maintain the integrity and continuity

of the network and protect the nature conservation value of the land affected. The Wildlife Habitat Network forms the basis for increasing the robustness and inter-connectivity of ecological corridors. As such, development proposals within and adjacent to the Wildlife Habitat Network should be considered as opportunities to enhance and expand its functionality.

- 10.51 The area known as G19 on plan –Trees to be Retained/Removed on 151667-TSA-00-TRU-REP-W-EN-00190 Rev P01, is part composed of a Woodland Wildlife Habitat Network (No.553). A section of G19 is to be removed where the railway sidings are proposed to be developed under permitted development rights. Nevertheless the area of woodland to be removed is almost wholly outside of the redline boundary of the planning application and, in any case, the designated area of the Woodland Wildlife Network will remain intact. This is acceptable in respect of Policy LP30 – Biodiversity and Geodiversity.
- 10.52 An Ecological Impact Assessment (EclA) has been prepared and is submitted in support of this planning application. The EclA includes the results of an ecological data search; a field survey of the Site; a Preliminary Bat Roost Assessment (PBRA) of buildings and trees (ground based/external) and a survey for common non-native invasive plant species. It also provides an evaluation of the importance of ecological features present within the Zone of Influence (Zol), which is defined as a two kilometre radius from the Site, and assesses the potential effects that the Proposed Development may have on any such features identified.
- 10.53 The EclA notes that the Site is not within or adjacent to any statutory or non-statutory designed sites for nature conservation and no such sites are located within the Zol. There are no recent records (2011-2020) of amphibians, reptiles, otters (*Lutra lutra*), water voles (*Arvicola amphibius*) or white-clawed crayfish (*Austropotamobius pallipes*) within the Zone of Influence. The field survey was undertaken in May 2021, and divided the Site into 15 sub-areas as shown in Figure 3-1 of the EclA. Detailed findings for each sub-area are set out in the EclA. A condition covering a site-specific method statement for the cited protected species, advised within the EclA, is applied to the recommended decision.
- 10.55 In respect of Flora, the ecological data search returned 15 records of invasive non-native plant species from within 2km of the Site, including Japanese knotweed and Himalayan balsam. If it is likely that the proposed development will disturb these plants (for example by excavation at, or close to, the areas in which they are located) and Network Rail have proposed that a specialist contractor will be employed to remove them and ensure that there is no spread throughout the wider environment. A Method Statement is therefore conditioned to evidence how good working practice across the Site will ensure that the proposed development will not cause the spread of these invasive plants.
- 10.56 Network Rail have indicated that they are committed to achieving 10% biodiversity net gain to compensate for the proposed development of the Trans-Pennine Route. Further work will be undertaken to establish where and how the compensatory measures will be provided if required; however the location is to be within the wider Project W3 area rather than within the Site.

10.57 By consequence, a Biodiversity Enhancement and Management Plan (BEMP) condition has been added to the recommended decision which requires Network Rail to detail how the site will achieve an off-site 10% Biodiversity Net Gain. The condition will necessitate the identification of the Site's current baseline biodiversity value, the enhancements to achieve the net gain and the management plan, including funding mechanisms to maintain the off-site enhancements. The attachment of the condition enables the proposal to be policy compliant in respect of LP Policy 30.

Trees

10.58 A Tree Survey of the Site was undertaken in March 2019 and is submitted with this application. The survey identifies the constraints posed by existing trees where they may be impacted by the proposed works. The majority of trees on the Site have been recorded as groups, and where appropriate, significant trees within grouped features have been recorded as individual specimens as shown on the Tree Survey (drawing reference: 151667-TSA-00-TRU-REP-W-EN-001078) and detailed in Appendix B – Tree Survey Schedule of the AIA.

10.59 The survey found that tree stock within the Site largely comprises linear groups of young to semi-mature mixed-broadleaved groups of native trees and shrubs growing around the perimeter. Areas of younger natural regrowth and dense scrub are located towards the centre of the Site. Table 7-1 in the AIA sets out which tree groups are to be retained/lost as part of the proposed Development. There are 5 full groups of trees, part of one group, and one individual tree that would be unaffected, and 5 groups of trees, plus part of a sixth, that would be lost.

10.60 Removal of trees within the Site application boundary would be mitigated through compensatory planting which is detailed in the Outline Landscape Plan submitted in support of the planning application. Trees which are to be removed under Network Rail's Permitted Development Rights (which are located outside the Site boundary) will be offset elsewhere on the wider TRU Scheme and presumably as a part of the BEMP and Biodiversity Net Gain information subject to condition.

10.61 Works to remove trees should be timed to avoid the bird nesting season and other potential ecological constraints for legally protected species. These limitations are to be restricted by a recommended condition which allows tree removal subject to nesting bird checks by a competent ecologist.

10.62 An Arboricultural Method Statement to be submitted as part of the Landscape and Ecological Management Plan (LEMP) will detail the required tree protection measures relating to tree groups G19 (part), G22, G349 and G350 (as specified in the Tree Survey), which will be in proximity to the construction work. A Construction Exclusion Zone (CEZ) will be established around these trees where no unauthorised access or construction operations are permitted, to protect the ground from compaction or excavation and canopies from physical damage. This will be secured by means of temporary protective fencing with weatherproof signage.

10.63 The proposed development is found to be compliant with Policy LP33 – Trees – subject to the recommended conditions cited above.

Ground Conditions

- 10.64 Environmental Health have identified the Site as potentially contaminated land due to its previous uses. A Phase 1 Land Contamination Desk Study by Network Rail, dated November 2021, has been submitted in support of the application. The Phase I report provides a comprehensive appraisal of the site history and environmental setting. From this, it is evident that there have been potentially contaminative uses on the Site (and/or adjoining land) which could impact upon the development and the environment. The site is also in area where the historic coal mining legacy may impact the development. The report advises that there is currently a ground investigation underway to characterise the site. This includes ground gas monitoring. For these reasons, contaminated land conditions are necessary and apply to the intrusive investigation report and subsequent phases of the development i.e. remediation, implementing the remediation and validation of the remediation. The attachment to the recommended decision of Contaminated Land conditions enables the proposed development to be acceptable in respect of Policy LP53 – Contaminated and Unstable Land.
- 10.65 The Coal Authority were consulted as a result of the site being almost wholly within the High Risk Area for coal mining legacy. Further investigation by the Coal Authority indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application. In this instance, the site has been subject to historic underground recorded coal mining at shallow depth and is likely to have been subject to historic underground unrecorded coal mining at shallow depth. Our records also confirm that a thick coal seam outcropped across the site and that there is one recorded mine entry (shaft) within the planning boundary, with a further mine entry (shaft) within close proximity of the boundary.
- 10.66 As a consequence of the above Site assessment, the Coal Authority have recommended intrusive site investigations, remediation works and a site safety confirmation/validation statement confirming the site is safe and stable for the proposed development to be undertaken. The recommended Coal Authority conditions accord with the requirements of Environmental Health's Contaminated Land conditions and these conditions will be merged to prevent duplication.

Design & Heritage

- 10.67 In respect of the appearance of the proposed development, the existing Site appearance is classed as low quality and generally detracting from the surrounding area. What is proposed on the site through the new internal road layout, open storage, trackworks and Overhead Line Equipment (OLE) assembly and associated welfare facilities, is likely to incur a modest improvement to the appearance of the local area through the organisation of the site to enable the technical engineering works. Buildings and storage areas are likely to remain utilitarian, however it is acknowledged that the Site is of a temporary nature and is mostly hidden from public view other than from partial views through the entrance with Alder Street and views from passing trains on the railway line.

10.68 In considering the contextual existing and proposed use of the Site, the impact of the development upon the quality of the area is considered to be concordant with the requirements of Policy LP24 – Design – subject to a condition requiring specific details on the location and appearance of the portable buildings.

Heritage Impact

10.69 The proposal would impact on a grade-II listed Railway Coal Chutes and Tramway with Walls and Gates (referred to as Coal Chutes for brevity). The listed structure is a redundant, industrial structure comprising forty coal chutes or drops divided by solid blue brick piers with ashlar banding. This unusual listed structure was built in 1900 built by the London & North Western Railway to service the former Huddersfield Corporation Tramways. It is a substantial but dilapidated timber, iron and blue brick railway engineering structure with ashlar dressings but has been redundant for some years.

10.70 The proposed Development would result in the enclosure of the Coal Chutes by industrial fencing designed to protect the redundant structure. The details have not yet been defined. However, the enclosure would not result in any physical impact on the fabric of the Coal Chutes and the change to the setting resulting from the works will result in the site area retaining its industrial character, defined by the railway infrastructure. The impact of the change to the physical setting of the Coal Chutes will not significantly diminish the appreciation or understanding of its architectural form or the wider appreciation of the Coal Chutes as a heritage asset, which would still be read (as a dilapidated structure) from Alder Street.

10.71 Consequently, the impact on the setting of the structure resulting from works partially enclosing the structure will be ‘minor adverse’, as the appreciation of the structure will still be read within the streetscape. The relatively minor adverse environmental impact of the proposed development works on the Coal Chutes should be measured against the public benefits and environmental mitigation relating to the Transpennine Route Upgrade as a whole as required by NPPF Paragraph 202. Consequently, the development is determined to incur less than substantial harm to the listed Coal Chutes that is outweighed by the proposed development. This is because the construction compound proposed at Hillhouses Yard is fundamental in delivering the TRU Programme which will provide significant public benefits in respect of decreased passenger journey times and increased rail service frequency throughout Kirklees and the wider northern region.

10.72 A TWAO compliant condition requiring precise details of the means of protecting the coal chutes is added to the recommended decision, as advised by KC Conservation and Design. The addition of this condition enables the development to be considered compliant with Policy LP35 – Historic Environment.

Archaeology

10.73 The agreed conditions within the Statement of Common Ground which apply to the TWAO (specifically Conditions 5 and 8 in Appendix 1 of the SCG) recognise that a Written Scheme of Investigation (WSI) may be necessary with regard to the Hillhouses Yard Site, subject to confirmation from West Yorkshire Archaeology Advisory Service (WYAAS).

10.74 Consultation with WYAAS as a result of the planning application process confirms that a WSI is necessary for the Site. Consequently, a TWAO compliant condition has been attached to the recommended decision to ensure that an appropriately conducted WSI, with the potential for a watching brief, is conducted pursuant to an approval of the scheme. The addition of this condition enables the development to be considered compliant with Policy LP35 – Historic Environment.

Conclusion

10.75 KC Conservation and Design confirm that the proposals are generally supported and are considered to be consistent with the requirements to give great weight to the conservation of the listed structure and Section 66 of the 1990 Act, as well as NPPF paragraphs: 189, 190, 192, and 193 and Local Plan Policy LP35.

Climate Change

10.76 The information supplied in support of the application (notably the Design and Access Statement and the Environmental Assessment) acknowledge the Site's impact on the climate and provide a brief contextual overview of the improvements that the Site can achieve.

10.77 With regard to the development's potential impact on the climate, the Environmental Assessment states that following:

The Proposed Development has the potential to affect the earth's climate by the emission of Greenhouse Gases (GHGs), such as carbon dioxide (CO₂) into the atmosphere, which will occur during construction. GHGs trap heat in the atmosphere, with higher concentrations leading to increased global temperatures. The production and transportation of materials for the construction of the Proposed Development will contribute GHG emissions. Taking into account mitigation detailed in Part A of the CoCP, including measures to reduce construction traffic emissions, the works are deemed to be unlikely to cause significant effects on climate either positively or negatively, or significantly affect the UK's ability to meet its emissions reduction targets.

10.78 In respect of contextual improvements in the long term, Network Rail have stated how the Site will contribute to the following gains achieved through implementation of the TWAO:

Given the government-wide target to achieve net-zero carbon emissions by 2050 and the priority of decarbonising transport to improve air quality and health, and take urgent action on climate change, the TRU Programme supports UK Government policy to encourage electrification of railways as a means of reducing carbon emissions and provides a key opportunity to decarbonise the Manchester-York rail route. Rail travel is responsible for only 0.6% of total UK emissions, however electrification is identified as one of the primary ways in which the rail industry can contribute to the 2050 net-zero carbon emissions target, by removing diesel-only passenger trains on strategic main routes. The introduction of bi-modal trains which are able to use electrified lines across the whole TRU Project will also provide benefits for local air quality in the areas through which the route passes.

10.79 On the basis of the above, it is understood that a short term impact upon the climate will result from the construction of the Hillhouses Yard compound and its contribution to the on-going construction of the Trans-Pennine Route Upgrade. However long-term gains will be realised through the electrification of the line which will remove carbon-reliant forms of transport between Manchester and York, especially as the electricity grid itself becomes increasingly sustained from renewable forms of energy.

11.00 CONCLUSION

11.01 The submission of this application is predicated on the need for Network Rail to meet the timetable for commissioning set by the Department for Transport. The DfT require the upgraded Trans-Pennine Route to be in operation by 2027. It is therefore of significant importance to the timetable that the construction hub at Hillhouses Yard is established in advance of a grant of the Transport Works Act Order. It is at Network Rail's risk that construction of the compound be commenced in the event that the Order not be subsequently granted, and Network Rail have acknowledged this possibility.

11.02 The use of this large brownfield site on a temporary basis to serve the TRU programme is a key component in delivering the Upgrade. It is fully supported in Planning Policy terms through Policy LP19 and allocation TS7 of the Local Plan. The Construction Compound and Temporary Platform at Hillhouses Yard are crucial in enabling the delivery of a step change in improving the Trans-Pennine rail corridor and the level of service capacity improvement and environmental benefit from electrification that it will bring to Kirklees. The site will eventually form the maintenance yard for the upgraded Trans-Pennine Route and this will result in a more practical and targeted use for the site, than is currently the case.

11.03 The application has been subject to detailed review by internal and external consultees to ensure that impacts of the proposed development are fully understood and that negative effects of the development upon surrounding key receptors will be mitigated to an acceptable degree. The conditions attached to this recommendation will enable outstanding details to come forward with regard to the Highway Network, off-site biodiversity net gain, construction management (including dust and noise), drainage and archaeology. The matters covered by condition can be satisfactorily handled through the standard Discharge of Conditions process that is required post decision. There are therefore no reasons to justify withholding consent.

11.04 The development is recommended for conditional approval to Strategic Committee Members on the basis of the above assessment.

12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)

Compliance Conditions

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Restriction of Operations for Temporary 'Closed' Platform (including temporal dates and times)

4. (a) Details of Site operation following completion of TWAO &/OR (b) Details of Site use in the event of a refusal to grant the TWAO.
5. Compound Layout & Site Offices

Highway Conditions

6. (a) Construction Traffic Management Plan (CTMP) & (b) PROW Diversion/Improvement Details
7. Details of alterations to the function of the highways of Alder Street and Flint Street
8. Construction Operatives Travel Plan
9. Commuter Travel Plan
10. Details of visibility splays across Alder Street & Flint Street Junction
11. Areas to be surfaced and drained
12. Gates to be set back within the site to prevent obstruction to the highway network by Heavy Goods Vehicles
13. Pre & Post Highway Condition Survey with Remedial Work

Environmental Health Conditions

14. Construction Environmental Management Plan (CEMP)
15. Implement agreed Dust Mitigation Scheme
16. Implement agreed Noise Mitigation Measures
17. Post Installation Noise Survey/Insulation Scheme Details
18. Details of Habitable Room Window Ventilation at Noise Receptors
19. Adherence to Background Noise Levels for Fixed Plant & Equipment
20. Acoustic Barrier Details
21. Submission of a Phase 2 Intrusive Site Investigation Report (Contaminated Land & Coal Mining Risk)
22. Submission of a Remediation Strategy (Contaminated Land & Coal Mining Risk)
23. Implementation of the Remediation Strategy (Contaminated Land & Coal Mining Risk)
24. Submission of Validation Report (Contaminated Land & Coal Mining Risk)

Landscaping and Ecology

25. Landscape and Ecological Management Plan
26. Nesting Bird Protection/Tree & Hedgerow Removal
27. Biodiversity Enhancement and Management Plan (BEMP)

Heritage & Archaeology

28. Archaeological Written Scheme of Investigation & Watching Brief
29. Detail of measures to Protect Listed Coal Chutes

Surface Water Drainage

30. Detailed Drainage Design Scheme including Capacity Calculations
31. Overland Flow Routing
32. Construction Phase Surface Water Flood Risk and Pollution Prevention Plan
33. Yorkshire Water Easement Condition

Background Papers:

Application and history files.

[link to application details](#)

Certificate of Ownership – Certificate A signed.